

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF MAY 13, 2005

(Published May 21, 2005, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
May 13, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, President Ostrow.

Absent - Lilligren.

Benson moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

Absent - Lilligren.

Benson moved acceptance of the minutes of the regular meeting held April 29, 2005. Seconded.

Adopted upon a voice vote.

Absent - Lilligren.

Benson moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

Absent - Lilligren.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270385)

Land Sales: Authorize sale of properties at 1131 Irving Av N, 2710 James Av N, 1315 ½ E 25th St, 1426 Logan Av N, 2206 Penn Av N, and 3917 13th Av S.

Veterans and Community Housing Project (5475 Minnehaha Av): Modify the terms of the Affordable Housing Trust Fund loan.

700-710 Hennepin Avenue (Pantages Theatre/Stimpson Building): Authorize file an application for registration of title with Hennepin County.

Corridor Housing Initiative: Approve Non-Profit Development Assistance funds for the Center for Neighborhoods.

COUNCIL MEMBER GOODMAN AND SCHIFF (270386)

Appointments to Community Advisory Board of Homelessness: Approve City Council appointees (Anne Endesbe, Tammara McAndory, Josephine Pufpaff, David Jansen, Wendy Weigman and Sarah Schermer).

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270387)

Ivy Tower Redevelopment Project: Adopt Modification No. 5 to the Ivy Tower Tax Increment Finance Plan, authorize issuance of Tax Increment Revenue Bonds and authorize issuance of a tax increment revenue not in an amount up to \$3,300,000.

Southeast Minneapolis Industrial (SEMI) Area: Preserve the right of the City to create a redevelopment tax increment financing district.

Upper Harbor River Terminal: Authorize execution of permit to allow the U.S. Army Corps of Engineers to place dredged material at terminal.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (270388)

Neighborhood Revitalization Program (NRP) Insurance: Approve use of NRP budget funds for directors and officers and employees insurance coverage.

ELECTIONS (See Rep):

ELECTIONS DEPARTMENT (270389)

2005 Elections: Adjusting boundaries to Precinct 11, Ward 2 and designating polling places; and Kids Voting Minneapolis, endorse and support.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (270390)

State Update.

INTERGOVERNMENTAL RELATIONS (See Rep):

COUNCIL MEMBER COLVIN ROY (270391)

Twin Cities Bureau of Mines Research Center Disposition Environmental Impact Statement.

PUBLIC SAFETY AND REGULATORY SERVICES:

ATTORNEY (270392)

Arrest and Prosecution Policies.

REGULATORY SERVICES (270393)

Smoking Ban Report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (270394)

Chapter 249 Property at 413 24th Av N: Authorize demolition.

REGULATORY SERVICES (270395)

Hoofed, Wild and Small Animals: Ordinances eliminating the Special Council Permit process; and establishing the authority for the Animal Care and Control Program to issue permits and fees, and for Licenses & Consumer Services Division to issue licenses to any person who regularly brings into the City hoofed or small animals otherwise prohibited by the Code.

Sinbad Deli and Market (2528 Nicollet Av): Grant Sidewalk Café License.

Turn of Thai (1221 W Lake St): Grant On-Sale Liquor Class E with Sunday Sales License, subject to conditions; with comments from CARAG Neighborhood.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (270396)

Structural Collapse Rescue Training Programs: Issue Request for Proposals for training programs for Fire Department.

2004 Assistance to Firefighters Grant: Accept grant award of \$724,500 from United States Department of Homeland Security and Office for Domestic Preparedness for purchase and installation of vehicle exhaust extraction systems and make-up air systems where needed in the fire stations; and Approve appropriation.

POLICE DEPARTMENT (270397)

2004 Reappropriation of funds to Police Department: Approve use of funds for general overtime/buyback for patrol and investigative needs.

TRANSPORTATION AND PUBLIC WORKS:

XCEL ENERGY/NSP (270398)

Utility Pole: Install one (1) 45'4 pole at 3212 W 46th St between Zenith & York Av S, Design #123836.

Utility Pole: Install one (1) 40'4 pole for 4345 Lyndale Av N between Lyndale and Aldrich Av N, Design #122304.

Utility Pole: Replace 35'4 pole in same location at 4335 France Av along Glendale Terr, W.O. #10629100.

Utility Poles: Replace ten (10) poles in the same location along W 56th St from Vincent to Penn Av S. Poles will be 50'3 or 55'3. Design #123526.

Utility Pole: Replace one (1) pole in the same location, SR #373755.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270399)

Nicollet Av Street Lighting Project (36th to 40th St): a) Designate location, streets, and improvements proposed for project; b) Receive cost estimate and list of benefited properties, direct City Engineer to prepare proposed assessments, and set a public hearing for July 12, 2005; c) Designate project area as Street Lighting District No. 1318.

Encroachment Request: Appeal of permit denial for 3311 E 25th St.

Encroachment Request: Appeal of permit denial for 2037 Riverside Av.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (270400)

Outside Agency Work Agreements: Authorize contracts with government jurisdictions and watershed management organizations for sewer and storm drain related activities.

Bryn Mawr Street Renovation Project No 2989 and Ewing Av Reconstruction Project No. 2909: Project approvals and assessment public hearings.

Hennepin Theatre District Streetscape: Change order to contract with Thomas and Sons, Inc.

Bid: Accept OP #6423, low bid of Killmer Electric Company, Inc. for relamping services.

WAYS AND MEANS BUDGET:

COUNCIL MEMBER JOHNSON (270401)

Correspondence Acknowledging staff: a) Letter from State Senator, Wes Skoglund commending City Attorney, Jay Heffern; b) Communication from Wells Fargo Vice President, Darcy Kent commending Michael Nguyen -Receive and File.

FINANCE DEPARTMENT (270402)

Edison Youth Hockey Association Status Report: Status of City's financial obligations - Receive and File.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (270403)

Legal Settlements: a) Mumina Abdi Noor; b) Larry Wells.

BUSINESS INFORMATION SERVICES (270404)

Unisys Contract: Amendment of Contract C-18881 to accommodate the implementation and managed services for the Bandwidth upgrade project.

Unisys Contract: Amendment of Contract C-18881 to accommodate the implementation and managed services for the Human Resource Information System (HRIS) 8.9 upgrade project.

Unisys Contract: Amendment of Contract C-18881 to provide the managed services required for implementation of the Lagan/Unisys Citizen Relationship Management "311" application software.

COMMUNICATIONS (270405)

Utility Bill Insert: June 2005 "Stop on Red" Utility Bill Insert on behalf of the Minneapolis Police Department launching the use of camera technology targeting red-light runners.

COORDINATOR (270406)

New Central Library Project: Change Order No. 3 to contract number C-19758 with Graham Penn-Co Construction, Inc.

FINANCE DEPARTMENT (270407)

Donation: Accept \$200 anonymous donation to the Police, Fire and Public Works to offset continuing Local Government Aid (LGA) reduction.

REGULATORY SERVICES (270408)

Community Action for a Renewed Environment (CARE) Grant: Approval be given to the Department of Regulatory Services to apply for up to \$300,000 in funding from the Environmental Protection Agency (EPA).

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (270409)

Rezoning:

The Cornerstone Group (2848 Pleasant Ave S & 2821, 2825 Grand Ave S): Withdrawal of application.

Appeal:

Todd Smith (re Nomad World Pub, 501 Cedar Ave S): Re site plan review.

ZONING AND PLANNING (See Rep):

COUNCIL MEMBER ZIMMERMANN (270410)

Bob Sorrell, for Wendy's International (325 & 329 E Franklin Ave & 2015 Clinton Ave S): Proposed Findings in support of denying appeal re conditional use permit for fast food restaurant & site plan review conditions.

HERITAGE PRESERVATION COMMISSION (270411)

HPC: Reappointment of Michele Dunn.

PLANNING COMMISSION/DEPARTMENT (270412)

Environmental Assessment Worksheet (EAW): The Ackerberg Group/Lagoon Ave Redevelopment (1320 Lagoon Ave): Determination of need for EAW.

PLANNING COMMISSION/DEPARTMENT (270413)

Loring Hill Area (Interim Ordinance): Ordinance amending Title 21 by adding a new Chapter 579 re moratorium on new construction & expansion of all development projects & uses not permitted as of right in area bounded by I-94 on south, LaSalle Ave on east, Hennepin/Lyndale Aves on west & 15th St on north.

Waiver Application:

Charles Schatz, for Dunn Bros Coffee (329 W 15th St): Application for waiver from Loring Hill Area moratorium to construct glass atrium enclosure.

Appeals:

Robert Thomas (re Cedar Lake Revival, LLC, 1825 E Lake St & 3005-11 Cedar Ave S): Re conditional use permit for shopping center;

Leo Whitebird (re The Cornerstone Group, 2848 Pleasant Ave S & 2821, 2825 Grand Ave S): Re Conditional use permit, variance, site plan review for 125 dwelling units.

Zoning Code Text Amendment:

Ordinance amending Title 20, Chapter 548 to allow antiques/collectibles stores as a permitted use in the C1 District.

FILED:

CITY CLERK/SPECIAL PERMITS (270414)

Hennepin Ave to LaSalle (Johmar Farms) horse & carriage;

26th St. W, 425 (Whittier Park) petting zoo.

The following reports were signed by Mayor Rybak on May 18, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolutions authorizing the sale of the property at 1131 Irving Av N to Keum J. Kim for \$21,250 or, if that sale fails to close, to Creative Home Construction, Inc. for \$21,250, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/13/05.

Absent - Lilligren.

Resolutions 2005R-256 and 2005R-257, authorizing the sale of 1131 Irving Av N, were adopted 5/13/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-256

By Goodman

Authorizing sale of land Vacant Housing Recycling Program—Near North Disposition Parcel No. XPH-21.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel XPH-21, in the Near North neighborhood, from Keum J. Kim, hereinafter known as the Redeveloper, the Parcel XPH-21, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 24, Block 2, Oak Park Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$21,250, for Parcel XPH-21 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 22, 2005, a public hearing on the proposed sale was duly held on May 3, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Vacant Housing Recycling Program—Near North plan, as amended, is hereby estimated to be the sum of \$21,250 for Parcel XPH-21.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 5/13/05.

Absent - Lilligren.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-257

By Goodman

Authorizing sale of land Vacant Housing Recycling Program—Near North Disposition Parcel No. XPH-21.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel XPH-21, in the Near North neighborhood, from Creative Home Construction, Inc., hereinafter known as the Redeveloper, the Parcel XPH-21, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 24, Block 2, Oak Park Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$21,250, for Parcel XPH-21 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 22, 2005, a public hearing on the proposed sale was duly held on May 3, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Vacant Housing Recycling Program—Near North plan, as amended, is hereby estimated to be the sum of \$21,250 for Parcel XPH-21.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev - Your Committee, having under consideration the property at 2710 James Av N, now recommends passage of the accompanying resolution:

- 1) approving a lot division for said property and waiving the requirement for a subdivision plat;
- 2) authorizing the sale of said property, Parcel 42-13A for \$170 to Patricia M. Richberg and Parcel 42-13B for \$170 to Yia Her, subject to the following conditions:
 - a) Land sale closing must occur on or before 30 days from date of City Council approval; and
 - b) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/13/05.

Absent - Lilligren.

Resolutions 2005R-258, 2005R-259 and 2005R-260 authorizing lot division, waiver of subdivision plat and sale of the divided property at 2710 James Av N, were adopted 5/13/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-258

By Goodman

Approving the subdivision of a lot at 2710 James Av N.

Whereas, the City of Minneapolis' Department of Community Planning and Economic Development (CPED) has requested that a parcel of land located at 2710 James Avenue North and legally described as:

Legal Description

That part of Lot F in Babbit's Out-Lots described as follows: Commencing at a point on West line 97 1/2 feet North from the Southwesterly corner; thence East on a line parallel with the South line of said lot 165.15 feet; thence at right angles North 67 1/2 feet; thence at right angles West 165.15 feet to West line; thence South at right angles on West line 67 1/2 feet to place of beginning; except the South 40 feet thereof.

be subdivided as follows:

Parcel A

The North half of the following described property: That part of Lot F in Babbit's Out-Lots described as follows: Commencing at a point on West line 97 1/2 feet North from the Southwesterly corner; thence East on a line parallel with the South line of said lot 165.15 feet; thence at right angles North 67 1/2 feet; thence at right angles West 165.15 feet to West line; thence South at right angles on West line 67 1/2 feet to place of beginning; EXCEPT the South 40 feet thereof.

Parcel B

The South half of the following described property: That part of Lot F in Babbit's Out-Lots described as follows: Commencing at a point on West line 97 1/2 feet North from the Southwesterly corner; thence East on a line parallel with the South line of said lot 165.15 feet; thence at right angles North 67 1/2 feet; thence at right angles West 165.15 feet to West line; thence South at right angles on West line 67 1/2 feet to place of beginning; EXCEPT the South 40 feet thereof.

Whereas, CPED intends to convey the subdivided parcels listed above to the owners of the adjacent properties with the following parcels:

Parcel A (2716 James Av N)

Lot 7, Block 2, Millers Subdivision, Lot F Babbitts Outlots.

Parcel B (2706 James Av N)

North 40 feet of the South 137 5/10 feet of West 165 15/100 feet of Lot F, Except Alley and Street, Millers Subdivision, Lot F Babbitts Out Lots.

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on April 22, 2005, a public hearing on said subdivision and proposed sale was duly held in a meeting of the Community Development Committee of the City Council at 1: 30 p.m., May 3, 2005, in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the division of the above described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted 5/13/05.

Absent - Lilligren.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-259

By Goodman

**Authorizing sale of land Vacant Housing Recycling Program
Disposition Parcel No. JOR 42-13A.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel JOR 42-13A, in the Jordan neighborhood, from Patricia Michael Richberg, hereinafter known as the Purchaser, the Parcel JOR 42-13A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

(See Exhibit A in Petn No 270385)

Whereas, the Purchaser has offered to pay the sum of \$170, for Parcel JOR 42-13A, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission received the sale on March 28, 2005 for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$170 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 22, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on May 3, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the JOR 42-13A is hereby estimated to be the sum of \$170.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 5/13/05.

Absent - Lilligren.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-260

By Goodman

Authorizing sale of land Vacant Housing Recycling Program Disposition Parcel No. JOR 42-13B

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel JOR 42-13B, in the Jordan neighborhood, from Yia Her, hereinafter known as the Purchaser, the Parcel JOR 42-13B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

(See Exhibit A in Petn No 270385)

Whereas, the Purchaser has offered to pay the sum of \$170, for Parcel JOR 42-13B, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission received the sale on March 28, 2005 for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$170 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 22, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on May 3, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the JOR 42-13B is hereby estimated to be the sum of \$170.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev - Your Committee recommends adoption of the accompanying resolution authorizing the sale of the property at 1315 ½ E 25th St to Victoria A. Rice for \$290, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-261, authorizing the sale of 1315 ½ E 25th St, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-261

By Goodman

Authorizing sale of land Vacant Housing Recycling Program Disposition Parcel No. TF-610

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel TF-610, in the Phillips neighborhood, from Victoria A. Rice, hereinafter known as the Purchaser, the Parcel TF-610, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

The West 25.5 feet of the North 1/2 of Lot 2, Block 11, "Gale's 1st Addition to Minneapolis".

Being registered land as is evidenced by Certificate of Title No. 1142755 PARCEL B

The South half of the following described property: That part of Lot F in Babbit's Out-Lots described as follows: Commencing at a point on West line 97 1/2 feet North from the Southwesterly corner; thence East on a line parallel with the South line of said lot 165.15 feet; thence at right angles North 67 1/2 feet; thence at right angles West 165.15 feet to West line; thence South at right angles on West line 67 1/2 feet to place of beginning; EXCEPT the South 40 feet thereof.

Subject to James Avenue North over the West 33 feet thereof. Subject to a public alley over the East 6 feet thereof.

Whereas, the Purchaser has offered to pay the sum of \$290, for Parcel TF-610, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission received the sale on March 28, 2005 for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$290 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 22, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on May 3, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the TF-610 is hereby estimated to be the sum of \$290.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a

conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 1426 Logan Av N to Emeka G. Okeakpu for \$22,500, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-262, authorizing the sale of 1426 Logan Av N, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-262

By Goodman

Authorizing sale of land Willard-Homewood Urban Renewal Project Disposition Parcel No. TF-409

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-409, in the Willard-Homewood neighborhood, from Emeka G. Okeakpu, hereinafter known as the Redeveloper, the Parcel TF-409, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 15, Block 2, Crepeau's Fourth Addition to Minneapolis.

Being registered property as is evidenced by Certificate of Title No. 1142819.

Whereas, the Redeveloper has offered to pay the sum of \$22,500, for Parcel TF-409 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 20, 2005, a public hearing on the proposed sale was duly held on May 3, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Willard-Homewood Urban Renewal Project plan, as amended, is hereby estimated to be the sum of \$22,500 for Parcel TF-409.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev - Your Committee recommends passage of the accompanying resolutions authorizing the sale of the property at 2206 Penn Av N to Chris Aimua and Associates, Inc. for \$19,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-263 authorizing the sale of the property to Chris Aimua and Associates, Inc., was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-263

By Goodman

Authorizing sale of land Willard Homewood Urban Renewal Project Disposition Parcel No. WH 2-6

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel WH 2-6, in the Willard-Homewood neighborhood, from Chris Aimua & Associates, Inc., hereinafter known as the Redeveloper, the Parcel WH 2-6, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 19, Block 22, Forest Heights.

Whereas, the Redeveloper has offered to pay the sum of \$19,000, for Parcel WH 2-6 to the City for the land, and the City's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods of aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 22, 2005, a public hearing on the proposed sale was duly held on May 3, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350

South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Whereas, the City on July 15, 2003, by its Resolution No. 2003-2779M, authorized the sale of Parcel WH 2-6 to Valentine J. Zimmerman; and

Whereas, Valentine J. Zimmerman has withdrawn his offer to purchase and the City has determined to rescind its authority to sell the parcel to Chris Aimua & Associates, Inc.;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Willard-Homewood Urban Renewal Project plan, as amended, is hereby estimated to be the sum of \$19,000 for Parcel WH 2-6.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 3917 13th Av S to Edgar S. Lema and Celestina I. Lema for \$1,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-264, authorizing the sale of 3917 13th Av S, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-264

By Goodman

Authorizing sale of land New Housing Project Disposition Parcel No. NH-621A

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel NH-621A, in the Bancroft neighborhood, from Edgar S. Lema and Celestina I. Lema, hereinafter known as the Purchaser, the Parcel NH-621A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

North 20 feet of Lot 26, Block 1, "McGregor's 1st Addition to Minneapolis."

Whereas, the Purchaser has offered to pay the sum of \$1,000, for Parcel NH-621A, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission received the sale on March 10, 2005, for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$1,000 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 22, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on May 3, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the NH-621A is hereby estimated to be the sum of \$1,000.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev - Your Committee, having under consideration the Veterans and Community Housing Project at 5475 Minnehaha Av and a request to modify terms of a loan to the project, now recommends approval to modify the terms of the \$660,000 Affordable Housing Trust Fund (AHTF) Community Development Block Grant (CDBG) funding to said project to permit an unsecured loan in order to meet the closing requirements for the project as negotiated with the U.S. Department of Veterans Affairs; and that the proper City officers be authorized to execute the appropriate documents.

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing and directing the filing of an application on behalf of the City of Minneapolis for the registration of title of real property at 700-710 Hennepin Av (Pantages Theatre/Stimson Building) with the Hennepin County Registrar of Titles.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-265, authorizing and directing the filing of an application for registration of title of the property at 700-710 Hennepin Av, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-265
By Goodman

Approving application to register the real property generally described as 700 and 710 Hennepin Av.

Resolved by The City Council of The City of Minneapolis:

That the City Council desires to register title to and subdivide certain real property owned by the City by adopting this resolution in accordance with Minnesota Statutes, Chapter 508.

Be It Further Resolved that the Department of Community Planning and Economic Development, the City Attorney's Office, and outside legal counsel Marinus Van Putten are directed to file an application with the Hennepin County Registrar of Titles to register title to the real property generally described as 700 and 710 Hennepin Avenue and legally described as Lots 7 and 8 and the northeasterly 42 67/100 feet of Lot 9, except the street, Block 4, Hoag and Bells Addition to Minneapolis, according to the recorded plat thereof, and situated in Hennepin County (the "Property").

Be It Further Resolved that the Mayor and the City Clerk are hereby directed to sign the application to register title to the Property as provided in Minnesota Statutes, Section 508.03, Subdivision 6.

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev - Your Committee recommends approval of the appointment of the following individuals as City Council appointees to fill vacant positions on the Community Advisory Committee on Homelessness, each for a two-year term ending on December 31, 2006:

Anne Endesbe, 2521 Garfield Av S;

Tammara McAndory, 417 Oliver Av N;

Josephine Pufpaff, 740 E 17th St;

David Jansen, 713 W 54th St;

Wendy Weigman, 3612 42nd Av S;

Sarah Schermer, 4412 W Lake Harriet Pkwy.

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev - Your Committee recommends approval of the provision of up to \$28,800 of Non-Profit Development Assistance funds for the Center for Neighborhoods to administer the Corridor Housing Initiative for 2005.

Adopted 5/13/05. Yeas, 11; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Zerby, Johnson Lee, Ostrow.

Nays - Schiff.

Absent - Lilligren.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration the Ivy Tower Redevelopment Project, now recommends passage of the accompanying resolutions:

- a) Adopting Modification No. 5 to the Ivy Tower Tax Increment Finance Plan;
- b) Authorizing issuance of tax exempt tax increment revenue bonds for the project in a principal amount not to exceed \$6,200,000;
- c) Authorizing issuance of a tax increment revenue note in substantially the form recited herein in a principal amount not exceeding \$3,300,000.

Your Committee further recommends that the proper City officers be authorized to execute all documents necessary to implement said actions.

Adopted 5/13/05.

Absent - Lilligren.

Approved by Mayor Rybak 5/16/05.

(Published 5/17/05)

Resolutions 2005R-266, 2005R-267 and 2005R-268 approving Modification No. 2 to the Ivy Tower Tax Increment Financing Plan, authorizing issuance of Tax Exempt Tax Increment Revenue Bonds and a Taxable Tax Increment Revenue Pay-As-You-Go Note for the Ivy Tower Redevelopment Project, were adopted 5/13/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-266
By Goodman and Johnson

Adopting Modification No 2 to the Ivy Tower Tax Increment Finance Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals.

1.01. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development ("CPED"), has been granted the authority to propose and implement City development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.02. That by Resolution No 2001R-516 duly adopted on December 20, 2001, the City approved the Ivy Tower Redevelopment Plan, the Ivy Tower Tax Increment Financing Plan, Amendment No 10 to the Development Program for South Nicollet Mall, Amendment No 2 to the IDS/Data Service Center Tax Increment Finance ("TIF") Plan, and Modification No 88 to the Common Plans (collectively, the "Plans"), describing more precisely the "Project Area", the parcels to be included in the boundary of the TIF District, the two parcels to be excluded from the IDS/Data Service Center TIF District and Common Project boundary, the activities to be undertaken, the property that may be acquired, and eligible expenditures, all pursuant to the Project Laws.

1.03. That by Resolution No 2004R-431 duly adopted on October 8, 2004, the City approved Modification No 1 to the Ivy Tower Redevelopment Plan, and Modification No 1 to the Ivy Tower TIF Plan, to reflect a change in the development program from primarily office use to owner occupied housing (including affordable housing in accordance with the City's Affordable Housing Policy), and hotel uses, all pursuant to the Project Laws.

1.04. The City has prepared, and this City Council has investigated the facts with respect to a proposed Modification No 2 to the Ivy Tower TIF Plan (the "Modification"), to reflect an increase in the TIF district budget and an increase in the bonded indebtedness that may be incurred by the City in providing public assistance to the Ivy Tower Project ("Project").

1.05. The City has performed all actions required by law to be performed prior to the adoption of the Modification, including, but not limited to, a review of the proposed Modification by the affected

neighborhood group(s) and the City of Minneapolis Planning Commission, transmittal of the proposed Modification to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.06. The City Council hereby determines that it is necessary and in the best interest of the City to approve the Modification providing for an increase in the tax increment finance district budget and an increase in the bonded indebtedness that may be incurred by the City in providing public assistance to the Project, due to an increase in size, scope and cost of the Project over the past six months.

Section 2. Findings for the Adoption of the Modification.

2.01. The City Council hereby finds, determines and reaffirms the findings made in Resolution No 2001R-516 and Resolution No 2004R-431.

2.02. The City Council further finds, determines and declares that the Modification conforms to the general plan for the redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Modification were issued, are incorporated herein by reference, and are on file in the office of the City Clerk in the form of a petition.

2.03. The City Council further finds, determines and declares that the objectives and actions authorized by the Modification are consistent with the undertaking of a Redevelopment Project and Redevelopment TIF District, all pursuant to and in accordance with the Project Laws.

2.04. The City Council further finds, determines and declares that it is necessary and in the best interest of the City to approve the Modification.

Section 3. Approval of the Modification.

3.01. Based upon the findings set forth in Section 2 hereof, the Modification presented to the City Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modification.

4.01. The officers and staff of the City, and the City's consultants and counsel, are authorized and directed to proceed with the implementation of the Modification, and for this purpose to negotiate, draft, prepare and present to this City Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted 5/13/05.

Absent - Lilligren.

Approved by Mayor Rybak 5/16/05.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-267
By Goodman and Johnson

Relating to the tax increment financing of public improvements related to the Ivy Tower multifamily housing and hotel development located in the Ivy Tower Tax Increment Financing District; authorizing the issuance of Tax Increment Revenue Bonds (Ivy Tower Project), Series 2005; and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the issuance of such obligations.

Resolved by The City Council of The City of Minneapolis:

Section 1. Background

1.01. Pursuant to Resolution No. 2001R-516, adopted by the City Council of the City of Minneapolis (the "City") on December 14, 2001, and approved by the Mayor of the City on December 20, 2001, the City approved the Ivy Tower Redevelopment Plan (the "Redevelopment Plan") and established the Ivy Tower Tax Increment Financing District (the "TIF District") by the authority granted by Minnesota Statutes, Sections 469.174-469.179, as amended (the "Tax Increment Act"), within the Ivy Tower

Redevelopment Project Area (the "Redevelopment Project"), and adopted the Ivy Tower Tax Increment Financing Plan (the "TIP Plan") for the purpose of financing certain improvements within the TIP District. By Resolution No. 2001-2533M, adopted by the Board of Commissioners of the Minneapolis Community Development Agency (the "Agency"), the Agency approved the adoption of the Redevelopment Plan, the creation of the Redevelopment Project, the creation of the TIP District, and the adoption of the TIP Plan.

1.02. In order to provide for the redevelopment of the Redevelopment Project and the TIP District and, specifically, to provide for the renovation and restoration of the Ivy Tower Building, an historic building located in the TIP District at 1115 Second Avenue South in downtown Minneapolis, Minnesota, the Agency entered into a Contract for Private Redevelopment, dated March 27, 2002, between the Agency and Ivy Tower Minneapolis, LLC, a Minnesota limited liability company, and its assignees (collectively, the "Redeveloper"), and amended by the Amendment of Contract for Private Redevelopment, dated October 11, 2002, the Second Amendment of Contract for Private Redevelopment, dated February 27, 2004, the Third Amendment of Contract for Private Redevelopment, dated August 31, 2004, the Fourth Amendment of Contract for Private Redevelopment, dated November 23, 2004, and the Fifth Amendment of Contract for Private Redevelopment, dated February 22, 2005 (the "Contract"),

1.03. Pursuant to Resolution No. 2003R-625, adopted by the City Council of the City on December 29, 2003, and Resolution No. 2003-2863M, adopted by the Board of Commissioners of the Agency on December 29, 2003, the duties of administering all programs, projects, and districts administered by the Agency, including the Redevelopment Plan, the TIP District, and the TIP Plan, were transferred to the City, effective January 1, 2004.

1.04. Pursuant to Resolution No. 2004R-431, adopted on October 8, 2004, the City Council of the City adopted Modification No. 1 to the Ivy Tower Redevelopment Plan and Modification No. 1 to the Ivy Tower Tax Increment Finance Plan, which modified the private improvements authorized under the Redevelopment Plan and the TIP Plan from an office development to an owner-occupied housing and hotel development and changed the financing structure to include the issuance by the City of tax-exempt tax increment revenue bonds. It has been proposed that the City Council of the City adopt Modification No. 2 to the Ivy Tower Tax Increment Finance Plan, which reflects an increase in the TIF District budget and increases the amount of bonded indebtedness that may be incurred by the City in order to provide financing for the TIF District. Such Modification No. 2 to the Ivy Tower Tax Increment Finance Plan shall be considered and adopted on the date hereof.

1.05. Pursuant to the Redevelopment Plan, the TIP Plan, and the Contract, the Redeveloper will renovate and restore the Ivy Tower Building (as described in Paragraph 1.02 above) and develop the following within the TIP District: (i) approximately eighty-eight (88) units of new construction, owner-occupied condominium housing (with 20% of the units affordable: in accordance with the City's requirements for this development) in a twenty-three (23) story building located adjacent to the Ivy Tower and oriented generally on the corner of Eleventh Street and Second Avenue; (ii) a hotel with approximately one hundred thirty-six (136) rooms with nineteen (19) stories situated behind the Ivy Tower; (iii) approximately one hundred fifty-six (156) on-site underground parking spaces; and (iv) a limited amount of supportive commercial lease space (the "Project").

1.06. Pursuant to Section 469.178 of the Tax Increment Act, the City is authorized to issue and sell its bonds for the purpose of financing public development costs in a redevelopment project and to pledge tax increment revenues derived from a tax increment financing district established within the redevelopment project to the payment of the principal of and interest on such obligations.

Section 2. Issuance of the Bonds

2.01. In order to finance public improvements related to the Project, there is hereby authorized to be issued by the City the Bonds, as hereinafter defined.

2.02. In order to finance public improvements related to the Project, the City Council hereby authorizes the issuance of tax increment revenue bonds to be designated as the "Tax Increment Revenue Bonds (Ivy Tower Project), Series 2005" (the "Bonds"), in a principal amount not to exceed \$6,200,000. The Bonds shall be issued on such date and upon the terms and conditions determined by the Finance Officer of the City (the "Finance Officer"). The Bonds may be designated such other name or names as determined to be appropriate by the Finance Officer. The Bonds shall be issued in one or more series

as the Finance Officer may determine, and shall be assigned a separate series designation determined by the Finance Officer for each series issued by the City. The Bonds are authorized to be issued as obligations the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. This authorization to issue the Bonds is effective without any additional action of the City Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer. The City Council hereby authorizes the sale of the Bonds to an underwriter hereinafter selected by the Finance Officer to purchase the Bonds (the "Underwriter") upon the offer of the Underwriter to purchase the Bonds in accordance with the terms of a Bond Purchase Agreement between the City and the Underwriter (the "Bond Purchase Agreement") or the sale of the Bonds by private placement through a private placement agent hereinafter selected by the Finance Officer.

2.03. There have been prepared in conjunction with the issuance of the Bonds, and are currently on file with the City, the following documents: (i) an Indenture of Trust (the "Indenture"), between the City and a financial institution selected by the Finance Officer to act as trustee with respect to the Bonds (the "Trustee"); and (ii) a Bond Purchase Agreement. The Indenture and the Bond Purchase Agreement are hereby approved in substantially the forms on file with the City on the date hereof, subject to such changes not inconsistent with this resolution and applicable law that are approved by the Finance Officer of the City.

2.04. The Bonds shall have the maturities, interest rate provisions, shall be dated, numbered, and issued in such denominations, shall be subject to mandatory and optional redemptions and prepayment prior to maturity, shall be executed, sealed, and authenticated in such manner, shall be in such form, and shall have such other details and provisions as are prescribed in the Indenture. The forms of the Bonds included in the Indenture are approved in substantially the forms in the Indenture, subject to such changes not inconsistent with this resolution and applicable law, and subject to such changes that are approved by the Finance Officer. Without limiting the generality of the foregoing, the Finance Officer is authorized to approve the original aggregate principal amount of each series of Bonds to be issued under the terms of this resolution (subject to the maximum aggregate principal amount for all series authorized by this resolution), to establish the terms of redemption, the principal amounts subject to redemption, and the dates of redemption of the Bonds, and to approve other changes to the other terms of the Bonds which are deemed by the Finance Officer to be in the best interests of the City. The issuance and delivery of the Bonds shall be conclusive evidence that the Finance Officer has approved the terms and provisions of the Bonds in accordance with the authority granted by this resolution. The proceeds derived from the sale of the Bonds, and the earnings derived from the investment of such proceeds, shall be held, transferred, expended, and invested in accordance with determinations of the Finance Officer.

2.05. The Bonds shall be secured by Available Tax Increments (as defined in the Indenture) and all other property, rights, interests, privileges, rentals, revenues and income pledged or assigned to the Trustee pursuant to the provisions of the Indenture which constitutes the Trust Estate (as defined in the Indenture).

2.06. It is hereby found, determined and declared that the issuance and sale of the Bonds, the execution and delivery by the City of the Indenture and the Bond Purchase Agreement (the "City Documents"), and the performance of all covenants and agreements of the City contained in the City Documents, and of all other acts required under the Constitution and laws of the State of Minnesota to make the Bonds the valid and binding special obligations of the City enforceable in accordance with their respective terms, are authorized by applicable Minnesota law, including, without limitation, the Tax Increment Act and this Resolution.

2.07. Under the provisions of the Tax Increment Act, and as provided in the Indenture and under the terms of the Bonds, the Bonds are not to be payable from or chargeable against any funds other than the revenues pledged to the payment thereof; the City shall not be subject to any liability thereon other than from such revenues pledged thereto; no holder of any Bonds shall ever have the right to compel any exercise by the City of its taxing powers (other than as contemplated by the pledge of tax increment revenues under the terms Indenture) to pay the principal of, premium, if any, and interest on the Bonds, or to enforce payment thereof against any property of the City other than the property expressly pledged

thereto; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than the revenues expressly pledged thereto; the Bonds shall recite that the Bonds are issued without a pledge of the general or moral obligation of the City, and that the Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof; and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

Section 3. Disclosure Documents and Closing Certificates

3.01. The preparation of an official statement, private placement memorandum, or other form of disclosure document (the "Disclosure Document") in conjunction with the offer and sale of the Bonds is hereby authorized. When approved by the Finance Officer of the City, the Disclosure Document is authorized to be distributed in conjunction with the offer and sale of the Bonds. In order to provide for continuing disclosure with respect to the Bonds, to the extent deemed necessary, required, or appropriate by the Finance Officer, the Finance Officer and the Trustee may execute and deliver an agreement or certificate providing for continuing disclosure with respect to the Bonds.

3.02. The Finance Officer is authorized to furnish to the purchasers of the Bonds, on the date of issuance and sale of the Bonds, a certificate that, to the best of the knowledge of such officer, the Disclosure Document does not, as of the date of closing, and did not, as the time of sale of the Bonds, contain any untrue statement of a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading. Unless litigation shall have been commenced and be pending questioning the Bonds, the proceedings for approval of the Bonds, tax increment revenues generated or collected for payment of the Bonds, revenues pledged for payment of the Bonds, or the organization of the City, or incumbency of its officers, at the respective closings, the Finance Officer shall also execute and deliver a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Bonds, and the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Bonds and the tax-exempt status of interest on the Bonds.

3.03. The City Clerk, the Finance Officer, and other agents, officers, and employees of the City are hereby authorized and directed, individually and collectively, to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City. Such officers, employees, and agents of the City are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Underwriter, the Purchasers, the Trustee, or other persons or entities in conjunction with the issuance of the Bonds and the expenditure of the proceeds of the Bonds. Without imposing any limitations on the scope of the preceding sentence, such officers and employees are specifically authorized to execute and deliver a private placement agreement, one or more UCC-1 financing statements, a certificate relating to federal tax matters including matters relating to arbitrage and arbitrage rebate, a receipt for the proceeds derived from the sale of the Bonds, an order to the Trustee, a general certificate of the City, and, with respect to the Bonds, an Information Return for Tax-Exempt Governmental Obligations, Form 8038-G (Rev. January 2002).

3.04. The City Clerk is hereby authorized and directed to certify a copy of this resolution and cause the same to be filed with the Taxpayer Services Division Manager of Hennepin County, exercising the powers of the county auditor under Minnesota Statutes, Section 475.63, and to obtain the certificate of the Taxpayer Services Division Manager as the registration of the Bonds. Copies of this resolution shall also be delivered to the Finance Officer of the City.

Section 4. Miscellaneous

4.01. All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be

deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.

4.02. Nothing in this resolution or in the above-referenced documents is intended or shall be constructed to confer upon any person (other than as provided in the Indenture, the Bonds, and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

4.03. If for any reason the Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

4.04. The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any related activity which would cause the Bonds to be deemed to be "private activity bonds," within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any related activity which would cause the Bonds to be deemed to be "arbitrage bonds," within the meaning of Section 148 of the Code.

Furthermore, the City shall take all such actions as may be required under the Code to ensure that interest on the Bonds is not and does not become includable in gross income for federal income tax purposes.

4.05. The authority to approve, execute, and deliver future amendments to the documents executed and delivered by the City in connection with the transactions contemplated hereby is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the holders of the Bonds or, if required, such consent has been obtained; (b) such amendments do not materially adversely affect the interests of the City as the issuer of the Bonds; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney, bond counsel or other counsel retained by the City to review such amendments; (e) the City has received, if necessary, an opinion of bond counsel to the effect that the amendments will not adversely affect the tax-exempt character or interest on the Bonds, if the Bonds are then tax-exempt obligations; and (f) such amendments do not materially prejudice the interests of the owners of the Bonds. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered by the Finance Officer may be executed by such other officer of the City as in the opinion of the City Attorney is authorized to execute and deliver such document.

4.06. Effective Date. This Resolution shall take effect and be in force from and after its approval and publication.

Adopted 5/13/05.

Absent - Lilligen.

Approved by Mayor Rybak 5/16/05.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-268
By Goodman and Johnson

Authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$3,300,000.00 in connection with the Ivy Tower Redevelopment Project.

Whereas, pursuant to Resolution No. 2001R-516, adopted by the City Council of the City of Minneapolis (the "City") on December 14, 2001, and approved by the Mayor of the City on December 20, 2001, the City approved the Ivy Tower Redevelopment Plan (the "Redevelopment Plan") and established the Ivy Tower Tax Increment Financing District (the "TIF District") by the authority granted by Minnesota Statutes, Sections 469.174-469.179, as amended (the "Tax Increment Act"), within the Ivy Tower Redevelopment Project Area (the "Redevelopment Project"), and adopted the Ivy Tower Tax Increment Financing Plan (the "TIF Plan") for the purpose of financing certain improvements within the TIF District. By Resolution No. 2001-2533M, adopted by the Board of Commissioners of the Minneapolis Community Development Agency (the "Agency"), the Agency approved the adoption of the Redevelopment Plan, the creation of the Redevelopment Project, the creation of the TIF District, and the adoption of the TIF Plan; and

Whereas, in order to provide for the redevelopment of the Redevelopment Project and the TIF District and, specifically, to provide for the renovation and restoration of the Ivy Tower Building, an historic building located in the TIF District at 1115 Second Avenue South in downtown Minneapolis, Minnesota, the Agency entered into a Contract for Private Redevelopment, dated March 27, 2002, between the Agency and Ivy Tower Minneapolis, LLC, a Minnesota limited liability company, and its assignees (collectively, the "Redeveloper"), and amended by the Amendment of Contract for Private Redevelopment, dated October 11, 2002, the Second Amendment of Contract for Private Redevelopment, dated February 27, 2004, the Third Amendment of Contract for Private Redevelopment, dated August 31, 2004, the Fourth Amendment of Contract for Private Redevelopment, dated November 23, 2004, and the Fifth Amendment of Contract for Private Redevelopment, dated February 22, 2005 (the "Contract"); and

Whereas, pursuant to Resolution No. 2003R-625, adopted by the City Council of the City on December 29, 2003, and Resolution No. 2003-2863M, adopted by the Board of Commissioners of the Agency on December 29, 2003, the duties of administering all programs, projects, and districts administered by the Agency, including the Redevelopment Plan, the TIF District, and the TIF Plan, were transferred to the City, effective January 1, 2004; and

Whereas, pursuant to Resolution No. 2004R-431, adopted on October 8, 2004, the City Council of the City adopted Modification No. 1 to the Ivy Tower Redevelopment Plan and Modification No. 1 to the Ivy Tower Tax Increment Finance Plan, which modified the private improvements authorized under the Redevelopment Plan and the TIF Plan from an office development to an owner-occupied housing and hotel development and changed the financing structure to include the issuance by the City of tax-exempt tax increment revenue bonds. The City Council of the City has, as of the date hereof, adopted Modification No. 2 to the Ivy Tower Tax Increment Finance Plan, which reflects an increase in the TIF District budget and increases the amount of bonded indebtedness that may be incurred by the City in order to provide financing for the TIF District; and

Whereas, pursuant to the Redevelopment Plan, the TIF Plan, and the Contract, the Redeveloper will renovate and restore the Ivy Tower Building (as described in Paragraph 1.02 above) and develop the following within the TIF District: (i) approximately eighty-eight (88) units of new construction, owner-occupied condominium housing (with 20% of the units affordable in accordance with the City's requirements for this development) in a twenty-three (23) story building located adjacent to the Ivy Tower and oriented generally on the corner of Eleventh Street and Second Avenue; (ii) a hotel with approximately one hundred thirty-six (136) rooms with nineteen (19) stories situated behind the Ivy

Tower; (iii) approximately one hundred fifty-six (156) on-site underground parking spaces; and (iv) a limited amount of supportive commercial lease space (the "Project"); and

Whereas, pursuant to Section 469.178 of the Tax Increment Act, the City is authorized to issue and sell its bonds for the purpose of financing public development costs in a redevelopment project and to pledge tax increment revenues derived from a tax increment financing district established within the redevelopment project to the payment of the principal of and interest on such obligations;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it is desirable that the City issue a tax increment limited revenue note (the "Note") in substantially the following form:

[Form of Note]

**FORM OF TIF REVENUE NOTE
UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS
TAXABLE TAX INCREMENT LIMITED REVENUE NOTE
(Ivy Tower)**

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of IVY TOWER MINNEAPOLIS, LLC, a Minnesota limited liability company (the "Developer"), solely from the source, to the extent and in the manner hereinafter provided, the principal amount of this Note, being _____ and No/100 Dollars (\$_____) or such lesser amount as may equal the Certified Public Redevelopment Costs, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note shall have the meanings below:

"*Available Tax Increment*" means the Tax Increment generated by the Property and received by the City during the period preceding each Payment Date, less (i) the amount of tax Increment generated by the Property, if any, which the City must pay to the school district, the county and the state pursuant to Minnesota Statutes, Sections 469.177, subds. 9, 10, and 11; 469.176, subd. 4h; and 469.175, subd. 1a, as the same may be amended from time to time; and (ii) actual administrative costs of the City in an amount not to exceed 10% of the Tax Increment generated by the Property.

"*Certificate of Approved Public Redevelopment Costs*" means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Redevelopment Costs for purposes of justifying the principal amount of this Note pursuant to the terms of the Contract.

"*Contract*" means that certain Redevelopment Contract by and between the City and the Developer dated March 27, 2002, as amended.

"*District*" means the Ivy Tower Tax Increment Financing District within the Project.

"*Maturity Date*" means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

"*Minimum Improvements*" means the historic renovation and restoration of the "Ivy Tower" building, construction of approximately 88 units of condominium residential housing, construction of approximately 156 underground parking spaces, construction of approximately 136 hotel rooms and approximately 35,000 square feet of supportive commercial space, skyway connections and public space and related improvements as described in the Contract.

"*Note Rate*" means _____ percent (____%) annual interest. (fixed at a percentage rate not to exceed 8%)

"*Payment Date*" means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date.

"*Project*" means the Ivy Tower Redevelopment Project on the Property.

"*Property*" means the real property described in the attached Exhibit A, which is a portion of the real property located within the Project upon which the hotel, parking and commercial components of the Minimum Improvements are to be constructed.

"*Public Redevelopment Costs*" means actual Public Redevelopment Costs as defined in the Contract, not in excess of \$_____ related to the Minimum Improvements and which are approved by the City pursuant to the Contract.

"*Shortage*" means the amount, if any, that Available Tax Increment is less than the scheduled Note payment on a particular Payment Date.

"*Tax Increment*" means that portion of the property taxes generated by the Property and Minimum Improvements, excluding any residential condominium units, that is actually remitted to the City as tax increment under the Tax Increment Act. For purposes of calculating the Tax Increment generated by the Property each year, it is assumed that 25% of the original net tax capacity of the District is allocated to the Property.

"*Tax Increment Act*" means Minnesota Statutes, Section 469.174-469.179, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to make the payments on the attached Exhibit B for that particular Payment Date plus an amount equal to any cumulative Shortage plus interest accrued to date. Any remaining Available Tax Increment on such Payment Date may then be retained by the Agency for affordable housing purposes, but only to the extent that the cumulative amount retained for this purpose, up to that point in time, does not exceed the maximum amount permitted by Minnesota State Statutes, after which, any remaining Available Tax Increment will then be used to pay additional outstanding interest and then principal on this TIF Note over and above the scheduled payments listed in Exhibit B.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Certificate of Approved Public Redevelopment Costs. Interest shall accrue on any Shortage from the Payment Date at which the Shortage was realized, at the Note Rate. Payments to the Developer made in accordance with this Note shall be applied first to accrued interest and then to principal due on the scheduled payments and then to accrued interest and then to principal of any previously unpaid Shortage. To the extent that on any Payment Date there is insufficient Available Tax Increment to make a scheduled payment in accordance with Exhibit B, such failure to make a scheduled payment or to pay any Shortage amount shall not constitute a default under this Note. If the Minimum Improvements' owner fails to pay all or a portion of the property taxes due and owing on the Minimum Improvements, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by wire transfer, check or draft made payable to the Developer and mailed to the Developer at _____, or such other address as the Developer shall provide in writing to the City's notice address as set forth in the Contract.

The Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including *Minnesota Statutes*, Section 469.178, subdivision 4, to aid in financing a "project", as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the Project.

THE NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA, EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, AND NEITHER THE STATE NOR ANY POLITICAL

SUBDIVISION THEREOF, INCLUDING THE CITY, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, NOR SHALL THE NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT AS SET FORTH HEREIN.

This Note shall not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter reasonably acceptable to the City.

This Note shall not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified.

The Developer shall never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this Note shall be liable personally hereon by reason of the issuance of registration thereof or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this Note is issued pursuant to the Tax Increment Act; and that this Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the City of Minneapolis, by action of its City Council, has caused this Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated _____, 2005.

CITY OF MINNEAPOLIS

By _____
Patrick Born
Its Finance Officer

Approved as to form:

Assistant City Attorney

EXHIBIT A TO NOTE
Description of the Property
To Be Determined

Be It Further Resolved that the form of the Note is hereby approved and shall be executed by the Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof. Without limiting the generality of the foregoing, the Finance Officer is authorized to establish and approve in his own discretion the original principal amount of the Note (subject to the maximum principal amount authorized by this resolution and by contractual restrictions previously approved by this Council).

Be It Further Resolved that all actions of the members, employees and staff of the City and the Minneapolis Community Development Agency heretofore taken in furtherance of the issuance of the Note are hereby approved, ratified and confirmed.

Be It Further Resolved that the sale of said Note to the Developer is hereby approved, and the Note is hereby directed to be sold to the Developer, upon the terms and conditions set forth in the Redevelopment Contract.

Be It Further Resolved that the Finance Officer is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the Note.

Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the

City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Note, as provided therein and in the Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that the Note, when executed and delivered, shall contain a recital that it is issued pursuant to the Tax Increment Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Note and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Note and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that this resolution shall be in full force and effect from and after its passage.

Adopted 5/13/05.

Absent - Lilligen.

Approved by Mayor Rybak 5/16/05.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution preserving the right of the City to create a redevelopment tax increment financing district in the Southeast Minneapolis Industrial (SEMI) project area.

Adopted 5/13/05.

Absent - Lilligen.

Resolution 2005R-269, preserving the right of the City to create a redevelopment tax increment financing district in the Southeast Minneapolis Industrial (SEMI) project area, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-269
By Goodman and Johnson

Adopting Resolution to Preserve the Right of the City to Create a Redevelopment Tax Increment Financing District in the Southeast Minneapolis (SEMI) Industrial Area Project Area

Resolved by The City Council of the City of Minneapolis:

Section 1. Recitals.

1.01. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development ("CPED"), has been granted the authority to propose and implement City development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.02. That by Resolution No 95R-199 duly adopted on June 30, 1995, the City approved the Southeast Minneapolis Industrial (SEMI) Area Redevelopment Plan; and subsequent resolutions modifying the SEMI Redevelopment Plan and establishing tax increment financing districts; all pursuant to and in accordance with the Project Laws.

1.03. It has been proposed that the City preserve the right of the City to create a redevelopment tax increment financing district that includes ten parcels located within the SEMI Redevelopment Project Area, all pursuant to and in accordance with the Project Laws.

1.04. The City has caused to be prepared, and this City Council has investigated the facts with respect to an analysis of the ten subject parcels.

1.05. The City has performed all actions required by law to be performed, including, but not limited to, an analysis of the site conditions after interior and exterior inspections of the property, all pursuant to and in accordance with the Project Laws.

1.06. The City Council hereby determines that it is necessary and in the best interests of the City at this time to preserve the right of the City to create a redevelopment tax increment district financing district that includes these parcels, as needed, within three years of demolition, pursuant to Minnesota Statutes, Section 469.174, Subdivision 10.

Section 2. Findings.

2.01. The City Council hereby finds, determines and declares that the parcels identified as property identification numbers 30-029-23-14-0052, 30-029-23-13-0010, 30-029-23-13-0009, 30-029-23-14-0051, 30-029-23-11-0011, 30-029-23-12-0010, 30-029-23-12-0014, 30-029-23-12-0003, 30-029-23-12-0001, and 30-029-23-12-0011 contain blighting influences of obsolete, blighted, and deteriorated substandard structures requiring substantial renovation or clearance, including several older vacant grain elevators in poor condition and several older small one story buildings, and exhibit deficiencies in other categories, are incompatible with zoning codes, infringe on adjacent property, contain irregular shaped lots and railroad parcels, are functionally obsolete and in substandard condition.

2.02. The City Council further finds, determines and declares that more than 70 percent (92%) of the area of the proposed district is occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and more than 50 percent (100%) of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance.

2.03. The City Council further finds, determines and declares that the area to be considered for inclusion in a future tax increment financing district is a blighted area consistent with the undertaking of a redevelopment tax increment financing district, pursuant to the Project Laws; and that the tax increment financing district to be established, if necessary, would meet the criteria of a redevelopment district, as defined in Minnesota Statutes, Section 469.174, Subdivision 10, based upon detailed and documented parcel-by-parcel interior and external inspections of the properties to be included in the TIF district; that exterior surveys were conducted in approximately eight buildings, and exterior inspections were conducted for all buildings; and that the reasons and supporting facts for these determinations are retained and available from the City.

2.04. The Council further finds, determines and declares that the area includes parcels occupied by structurally substandard buildings, and it is the intent to authorize clearance of these parcels while establishing and preserving the right of the City to create a redevelopment tax increment financing district that includes these parcels, as needed, within three years of demolition, pursuant to Minnesota Statutes, Section 469.174, Subdivision 10.

Section 3. Approval.

3.01. Based upon the findings set forth in Section 2 hereof, this action presented to the City Council on this date, is hereby approved and shall be placed on file in the office of the City Clerk.

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a permit allowing the U.S. Army Corps of Engineers to place dredged materials at the City's Upper Harbor River Terminal for the period of five years (2005 through 2009).

Adopted 5/13/05.

Absent - Lilligren.

Comm Dev & W&M/Budget - Your Committee recommends approval of the use of \$56,443 of the Neighborhood Revitalization Program (NRP) Annual Budget for securing directors and officers and employee Liability Insurance for Minneapolis neighborhood organizations and that the proper City officers be authorized to enter into any contracts or agreements needed to implement said services.

Adopted 5/13/05.

Absent - Lilligren.

The **ELECTIONS** Committee submitted the following reports:

Elections - Your Committee recommends passage of the accompanying Resolution adjusting the Precinct Boundary for Precinct 11, Ward 2.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-270, adjusting the Precinct Boundary for Precinct 11, Ward 2, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-270

By Samuels

Adjusting the Precinct Boundary for Precinct 11, Ward 2.

Resolved by The City Council of The City of Minneapolis:

That the voting precinct line be adjusted as described as follows: on the easterly border of Precinct 11, Harvard Street, proceeds one block north to Washington Avenue S,E, then east on Washington Avenue to Huron Boulevard as shown on the map in (Petn No 270389), be approved.

Adopted 5/13/05.

Absent - Lilligren.

Elections - Your Committee recommends passage of the accompanying Resolution designating polling places for 2005 elections.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-271, designating polling places for 2005 elections, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-271

By Samuels

Designating polling places for 2005 elections.

Resolved by The City Council of The City of Minneapolis:

That the following polling places be designated for the September and November 2005 elections:

FIRST WARD

PRECINCT

- 1 - Golf Building, Columbia Park, 3300 Central Ave NE
- 2 - Waite Park, 1810 34th Ave NE
- 3 - Northeast Middle School, 2955 Hayes St NE (*in Media Center*)
- 4 - Audubon Park, 1320 29th Ave NE
- 5 - Windom Park Building, 2251 Hayes St NE (*Hayes & 23rd - School Annex*)
- 6 - Parker Skyview Highrise, 1815 Central Ave NE
- 7 - Tuttle School, 1042 18th Ave SE
- 8 - River Village, 2919 Randolph St NE
- 9 - YMCA, 2304 Jackson St NE
- 10 - Holland Highrise, 1717 Washington St NE

SECOND WARD

PRECINCT

- 1 - Heltzer Manor Highrise, 2121 Minnehaha Ave
- 2 - Brackett Field House, 2728 39th Ave S
- 3 - Van Cleve Park, 901 15th Ave SE
- 4 - Coffman Union, 300 Washington Ave SE
- 5 - Sidney Pratt School, 66 Malcolm Ave SE
- 6 - St. Frances Cabrini Church, 1500 Franklin Ave SE
- 7 - Seward Square Apartments, 2121 9th St S
- 8 - Seven Corners Apartments, 1400 2nd St S
- 9 - Seward Towers East, 2910 Franklin Ave E
- 10 - Coyle Community Center, 420 15th Ave S
- 11 - MN Department of Health, 717 Delaware St SE

THIRD WARD

PRECINCT

- 1 - St Lawrence Catholic Church, 1203 - 5th St SE
- 2 - First Congregational Church of MN, 500 - 8th Ave SE
- 3 - De LaSalle School, 1 De LaSalle Drive
- 4 - Spring Manor Highrise, 828 Spring St NE
- 5 - St Marons Catholic Church, 219 - 6th Ave NE
- 6 - East Side Neighborhood Services, 1700 - 2nd St NE
- 7 - City View School, 3350 - 4th St N
- 8 - Farview Park, 609 - 29th Ave N
- 9 - Lynway Manor, 2415 - 3rd St N

FOURTH WARD

PRECINCT

- 1 - Creek View Neighborhood Center, 5001 Humboldt Ave N
- 2 - Jenny Lind Elementary School, 5025 Bryant Ave N
- 3 - Shingle Creek Commons, 4600 Humboldt Ave N
- 4 - Loring Elementary School, 2600 44th Ave N
- 5 - Henry High School, 2020 43rd Ave N
- 6 - Hamilton Manor Highrise, 1314 44th Ave N
- 7 - Luther Memorial Church, 3751 Sheridan Ave N
- 8 - Parkway United Church of Christ, 3120 Washburn Ave N
- 9 - Folwell Park Field House, 1615 Dowling Ave N
- 10 - Oliver Manor Highrise, 3116 Oliver Ave N

FIFTH WARD

PRECINCT

- 1 - Minneapolis Urban League, 2100 Plymouth Ave N
- 2 - Jordan Park Middle School, 1501 30th Ave N
- 3 - Rainbow Terrace, 1710 Plymouth Ave N
- 4 - North Point Health & Wellness Center, 1315 Penn Ave N
- 5 - Lyndale Manor Highrise, 600 18th Ave N
- 6 - W. Harry Davis Academy, 1510 Glenwood Ave N
- 7 - Phyllis Wheatley Community Center – Bethune Park , 1301 10th Ave N
- 8 - Jordan New Life Community Church, 1922 25th Ave N
- 9 - Phyllis Wheatley Community Center – Bethune Park , 1301 10th Ave N
- 10 - River of Life Lutheran Church, 2200 Fremont Ave N

SIXTH WARD

PRECINCT

- 1 - Salem English Lutheran Church, 610 28th St W
- 2 - Whittier Park, 2600 Grand Ave S
- 3 - Minnesota Church Center, 122 Franklin Ave W (*Use Pillsbury Ave Entrance*)
- 4 - First Christian Church, 2201 1st Ave S
- 5 - Trinity First Lutheran Church, 1115 19th St E (*Use Parking Lot Entrance*)
- 6 - Pentagon Highrise, 1415 22nd St E
- 7 - Ebenezer Towers, 2523 Portland Ave S
- 8 - Ebenezer Park Apartments, 2700 Park Ave

SEVENTH WARD

PRECINCT

- 1 - Bryn Mawr School, 252 Upton Ave S
- 2 - St. Paul's Episcopal Church, 1917 Logan Ave S
- 3 - First Unitarian Society, 900 Mount Curve Ave
- 4 - Jones Harrison Residence, 3700 Cedar Lake Ave
- 5 - Oak Grove Towers, 215 Oak Grove St
- 6 - Towers Apartments (Lobby Annex), 15 1st St S
- 7 - Heritage Landing, 415 1st St N
- 8 - Emerson Elementary School, 1421 Spruce Place
- 9 - Central Lutheran Church, 333 12th St S
- 10 - Augustana Health Care Center, 1007 14th St E
- 11 - Fire Station #1, 530 3rd St S

EIGHTH WARD

PRECINCT

- 1 - Old Central Community Center (Gym), 3450 - 4th Ave S (*use 4th Ave S entrance*)
- 2 - Office of Indian Ministries, 3045 Park Ave
- 3 - Hosmer Library, 347 - 36th St E
- 4 - Holy Name Church, 3637 - 11th Ave S
- 5 - Sabathani Community Center, 310 - 38th St E
- 6 - Martin Luther King Park, 4055 Nicollet Ave
- 7 - Martin Luther King Park, 4055 Nicollet Ave
- 8 - Bancroft School, 1315 - 38th St E
- 9 - Bethel Evangelical Lutheran Church, 4120 - 17th Ave S
- 10 - St. Joan of Arc Gymnasium, 4537 - 3rd Ave S

NINTHWARD

PRECINCT

- 1 - Holy Trinity Lutheran Church, 2730 31st St E
- 2 - Anne Sullivan Communication Center, 3100 28th St E
- 3 - Spirit of the Lakes United Church of Christ, 2930 13th Ave S
- 4 - Little Earth of United Tribes NELC, 2438 18th Ave S
- 5 - Powderhorn Park Building, 3400 15th Ave S
- 6 - Corcoran Community Center, 3334 20th Ave S
- 7 - El Milagro Lutheran Church, 3751 17th Ave S
- 8 - Providence Place, 3720 23rd Ave S
- 9 - Longfellow Park, 3435 36th Ave S
- 10- Andersen School, 2727 10th Ave S (*use Andersen Lane entrance*)
- 11- Hiawatha Towers Highrise, Bldg #2, 2121 16th Ave S

TENTHWARD

PRECINCT

- 1 - Jefferson Elementary School, 1200 26th St W
- 2 - Ballentine VFW Post, 2916 Lyndale Ave S
- 3 - St. Mary's Greek Orthodox Church, 3450 Irving Ave S
- 4 - Bryant Square Park, 3101 Bryant Ave S
- 5 - Horn Towers Highrise, 3121 Pillsbury Ave
- 6 - First Universalist Church, 3400 Dupont Ave S
- 7 - Painter Park, 620 34th St W
- 8 - Walker Methodist Home, 3737 Bryant Ave S
- 9 - Church of New Life, 3536 Nicollet Ave
- 10- Temple Israel, 2324 Emerson Ave S (*use Fremont Ave entrance*)
- 11- YWCA Uptown, 2808 Hennepin Ave.

ELEVENTHWARD

PRECINCT

- 1 - Knox Presbyterian Church, 4747 Lyndale Ave S
- 2 - Washburn High School, 201 49th St W
- 3 - Mayflower Church, 106 Diamond Lake Road E
- 4 - Richfield Lutheran Church, 8 60th St W
- 5 - Pearl Neighborhood Center, 414 Diamond Lake Road E
- 6 - Diamond Lake Lutheran Church, 5760 Portland Ave S
- 7 - McRae Park Building, 906 47th St E
- 8 - Our Lady of Peace Church, 5425 11th Ave S
- 9 - Wenonah School, 5625 23rd Ave S

TWELFTHWARD

PRECINCT

- 1 - Bethlehem Covenant Church, 3141 43rd Ave S
- 2 - Dowling School, 3900 River Pkwy W
- 3 - Hiawatha Park, 4305 42nd St E
- 4 - Hiawatha School, 4201 42nd Ave S
- 5 - Keewaydin Neighborhood Center, 3000 53rd St E
- 6 - Minnehaha United Methodist Church, 3701 50th St E
- 7 - Minnesota Veterans Home (Bldg. #17), 5100 Minnehaha Ave
- 8 - St. Helena Catholic Church, 3201 43rd St E (*use Parking lot entrance*)
- 9 - Trinity Lutheran Church of Minnehaha Falls, 5212 41st Ave S
- 10- Morris Park Field House, 5531 39th Ave S
- 11- Nokomis Community Center, 2401 Minnehaha Pkwy E

THIRTEENTHWARD

PRECINCT

- 1** - Bakken Library, 3537 Zenith Ave S
- 2** - Lake Harriet Community School - Lower Campus, 4030 Chowen Ave S
- 3** - Linden Hills Recreation Center, 3100 43rd St W
- 4** - Pershing Neighborhood Center, 3523 48th St W
- 5** - Mt. Olivet Lutheran Church, 5025 Knox Ave S
- 6** - Lynnhurst Community Center, 1345 Minnehaha Pkwy W (*use Pkwy entrance*)
- 7** - St. Luke's Parish, 4557 Colfax Ave S
- 8** - Armatage Neighborhood Center, 5701 Russell Ave S
- 9** - Anthony School, 5757 Irving Ave S
- 10** - Kenny School, 5720 Emerson Ave S

Adopted 5/13/05.

Absent - Lilligren.

Elections - Your Committee recommends passage of the accompanying Resolution endorsing and supporting Kids Voting Minnesota.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-272, endorsing and supporting Kids Voting Minnesota, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-272

By Council Members Samuels, Ostrow, Zerby, Johnson, Johnson-Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy, and Lane

Endorsing and supporting Kids Voting Minneapolis.

Whereas, in 1998 fewer than one in five 18-to-24-year-olds chose to vote; and

Whereas, in February 1999 "A Survey of Youth Attitudes Nationwide," commissioned by the National Association of Secretaries of State, found that young people aged 18-24 were dropping out of the electoral process for a number of reasons: they felt ignored by politicians, they felt their vote really didn't count, and they said they didn't get the kind of information they needed to vote; and

Whereas, that study found that young people lack interest, trust and knowledge when it comes to American government; and

Whereas, in 2000 roughly 37% of 18-24 year olds voted in the presidential election; and

Whereas, in 2004 only 60% of the voting eligible population and 42% of 18-24 year olds voted; and

Whereas, internationally the United States now ranks 139th out of 172 democracies in their rate of voter participation; and

Whereas, Kids Voting Minneapolis through its K-12, grade specific, learn-by-doing classroom lessons and activities and teacher training, prepares students for a lifetime of voting and civic participation in our democracy; and

Whereas, Kids Voting Minneapolis students are taught about their rights, responsibilities and privileges of voting and the importance of becoming an informed voter; and

Whereas, on Election Day students go to the official polls with their parents to vote on a specially designed Kids Voting Minneapolis ballot that includes many of the same candidates and issues that the official adult ballot contains; and

Whereas, research has confirmed the impact of the Kids Voting program on voting patterns and civic participation. In communities with Kids Voting programs, the voting rate for registered 18-year-olds is 14 % higher than their non-participating peers and adult voter turnout increases as much as 5%; and

Whereas, Minneapolis businesses, civic groups, governmental entities and volunteers have added their support to **Kids Voting Minneapolis**;

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the City Council does hereby endorse and support **Kids Voting Minneapolis**. Support includes educating election judges about Kids Voting Minneapolis, delivering Kids Voting materials to and from polling places on election day, and coordinating election day activities to ensure a smooth process for kids and adult voters.

Adopted 5/13/05.

Absent - Lilligren.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR – Your Committee recommends adoption of the accompanying resolution commenting on the disposition of the Twin Cities' Bureau of Mines Research Center Main Campus.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-273, commenting on Disposition of Twin Cities' Bureau of Mines Research Center Main Campus, urging the National Parks Service to finalize the disposition of the Twin Cities' Bureau of Mines Research Center Main Campus in such a way that historic, cultural, and natural resources are protected and open green space is maintained while providing for public access and enjoyment of those resources, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-273

By Colvin Roy, Zimmermann, Benson

Commenting on Disposition of Twin Cities' Bureau of Mines Research Center Main Campus.

Whereas, the National Parks Service is leading a public planning process associated with the disposition of the former Twin Cities' Bureau of Mines Research Center Main Campus; and

Whereas, the site contains Coldwater Springs and Camp Coldwater, both sites that figure prominently in Native American, European American, and African American history in Minnesota; and

Whereas, the Center is within the Fort Snelling National Historic Landmark and within a portion of the Fort Snelling National Register of Historic Places District; and

Whereas, the site connects the public parks of Minnehaha Falls Park and Fort Snelling State Park; and

Whereas, the site lies within the Mississippi National River and Recreation Area (MNRRA), a unit of the National Park System;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis urges the National Parks Service to finalize the disposition of the Twin Cities' Bureau of Mines Research Center Main Campus in such a way that historic, cultural, and natural resources are protected and open green space is maintained while providing for public access and enjoyment of those resources.

Adopted 5/13/05.

Absent - Lilligren.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances eliminating the Special Council Permit process for Hoofed Animals and Animals Wild by

Nature, and establishing the authority for the Animal Care and Control Program to issue permits and fees and for the Licenses & Consumer Services Division to issue licenses to any person who regularly brings into the City hooved or small animals otherwise prohibited by the Code, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Title 4, Chapter 74 relating to *Animals and Fowl: Miscellaneous Regulations*.
 - b. Title 13, Chapter 303 relating to *Licenses and Business Regulations: Horse and Carriage Livery Services*.
 - c. Title 13 relating to *Licenses and Business Regulations* by adding a new Chapter 304 relating to *Hoofed and/or Small Animal Service*.
 - d. Appendix J relating to *License Fees Schedule*.
- Adopted 5/13/05.
Absent - Lilligren.

Ordinance 2005-Or-040 amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Miscellaneous Regulations*, amending Section 74.60 to eliminate the Special Council Permit process for Hoofed Animals and Animals Wild by Nature, and to grant authority to the Animal Care and Control Program for the issuance of several permits and the collection of permit fees, was adopted 5/13/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-040
By Ostrow
Intro & 1st Reading: 10/25/02
Ref to: PS&RS
2nd Reading: 5/13/05

Amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Miscellaneous Regulations.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 74.60 of the above-entitled ordinance be amended to read as follows:

74.60. Exceptions; permit required. Any person desiring to keep an animal prohibited under sections 70.10, 74.40 and 74.50, if not duly licensed for such activity under Chapters 303 or 304, shall obtain a ~~special permit from the commissioner of health~~ animal control officer. Such permit shall be issued for a period not to exceed fourteen (14) days and shall specify further conditions under which such animal shall be kept. Provided, however, that no such permit shall be issued unless such prohibited animal is brought into the city for entertainment, exhibition, show or promotional purposes only, and application is made in such form and within such reasonable amount of time as shall be required by the animal control officer. The animal control officer shall have authority to investigate the conditions and inspect the site at which such animal shall be kept or displayed and to require the production of reasonably pertinent veterinary or similar records to the extent deemed necessary to ensure the safety and health of any person or animal. Permit fees must be paid in full prior to the issuance of any permit under this section.

(a) Class A permit: Required for any hooved or small animal otherwise prohibited under sections 70.10 or 74.40 brought into the city for an event not open to the general public, including, but not limited to, birthday parties and weddings. The fee for a Class A permit shall be fifty dollars (\$50).

(b) Class B permit: Required for any hooved or small animal otherwise prohibited under sections 70.10 or 74.40 brought into the city for an event open to the general public, including, but not limited to, temporary petting zoos established at community events or festivals. The fee for a Class B permit shall be seventy-five dollars (\$75.00).

(c) Class C permit: Required for any vicious or wild animal otherwise prohibited under section 74.50 brought into the city for an event open to the general public, including, but not limited to, circuses and sports conventions. The fee for a Class C permit shall be one-hundred fifty dollars (\$150.00).

Adopted 5/13/05.

Absent - Lilligren.

Ordinance 2005-Or-041 amending Title 13, Chapter 303 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Horse and Carriage Livery Services*, amending Section 303.30 to provide a cleanup fee who operate for ten or fewer days in a calendar year; and Section 303.110 to restrict the use of temporary routes to any person obtaining a Class A or B hoofed animal permit, but not limited to weddings, was adopted 5/13/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-041

By Ostrow

Intro & 1st Reading: 10/25/02

Ref to: PS&RS

2nd Reading: 5/13/05

Amending Title 13, Chapter 303 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Horse and Carriage Livery Services.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 303.30 of the above-entitled ordinance be amended to read as follows:

303.30. License fee; cleanup fee. The annual license fee and street cleanup fee for a horse and carriage livery service shall be as established in Appendix J, License Fee Schedule. The cleanup fee shall be collected by the department of licenses and consumer services with the annual license fee and shall be credited to the department of public works for street maintenance purposes. The cleanup fee shall not apply to licensees who operate for ten (10) or fewer days in a calendar year.

Section 2. That Section 303.110 of the above-entitled ordinance be amended to read as follows:

303.110. Temporary routes. The director of public works may establish a temporary horse and carriage route for a period not to exceed ten (10) calendar days. The use of temporary routes shall be restricted to either licensees in good standing or any person obtaining a Class A or B hoofed animal permit pursuant to section 74.60 who operates a horse and carriage livery service at events not open to the general public such as, but not limited to, weddings. The director of public works may, if necessary, assign a maximum number of horse and carriage vehicles to any temporary route, and may allocate the use of a temporary route equitably among licensees if necessary. Any licensee wishing to use a temporary route shall obtain a permit for such use from the director of public works and pay a permit as established in Appendix J, License Fee Schedule.

Adopted 5/13/05.

Absent - Lilligren.

Ordinance 2005-Or-042 amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations* by adding a new Chapter 304 relating to *Hoofed and/or Small Animal Service*, summarized below, was adopted 5/13/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

- a. Section 304.10 *Definitions*
- b. Section 304.20 *License required*
- c. Section 304.30 *License fee*
- d. Section 304.40 *Application; expiration; renewal*

- e. Section 304.50 *Insurance*
- f. Section 304.60 *Conditions*
- g. Section 304.70 *Revocation; suspension*
- h. Section 304.80 *Other ordinances not affected; exceptions.*

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-042
By Ostrow
Intro & 1st Reading: 10/25/02
Ref to: PS&RS
2nd Reading: 5/13/05

Amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations by adding a new Chapter 304 relating to Hoofed and/or Small Animal Service.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 304 to read as follows:

CHAPTER 304. HOOFED AND/OR SMALL ANIMAL SERVICE

304.10. Definitions. Hoofed and/or small animal service is defined as any person who regularly brings into the city hoofed or small animals otherwise prohibited under sections 70.10 or 74.40 who would be eligible to obtain a Class A or B permit pursuant to section 74.60. Hoofed and/or small animal service does not apply to horse and carriage livery services.

304.20. License required. No person shall operate a hoofed and/or small animal service in the City of Minneapolis unless licensed as herein provided and in compliance with all applicable provisions of this Code of Ordinances. The license shall be issued to the owner or operator of the hoofed and/or small animal business, and no separate license or permit shall be required for each hoofed and small animal. A hoofed and/or small animal service must either be licensed under this Chapter or must obtain a separate permit pursuant to section 74.60 for each event the service participates in. This section shall not apply to any premises maintained by a licensed veterinarian or a licensed pet shop operator.

304.30. License fee. The annual license fee for a hoofed and/or small animal service shall be as established in Appendix J, License Fee Schedule.

304.40. Application; expiration; renewal. Every person seeking a hoofed and/or small animal service license shall apply for a license on forms provided by the department of licenses and consumer services. The application shall contain such information as the department may require to ensure that the applicant will comply with this chapter and is capable of operating a hoofed and small animal business. Each license shall expire on December 31st of each year. A licensee may apply for renewal of its license, prior to its expiration, upon forms provided by the department.

304.50. Insurance. Every licensee shall maintain general liability insurance in the minimum amount of five hundred thousand dollars (\$500,000.00). No license shall be granted or renewed without proof of insurance in accordance with section 259.160 of this Code.

304.60. Conditions. Every licensee shall notify the department of licenses and consumer services or its designee a minimum of seven (7) days prior to bringing a hoofed or small animal into the city for a qualifying event. The department of licenses and consumer services, in conjunction with the animal control officer, shall have the authority to require the investigation and inspection specified in section 74.60 as well as the authority to specify further conditions under which the animals shall be kept while in the city.

304.70. Revocation; suspension. The city council may revoke, suspend or take other action against a licensee for failure to comply with any of the terms and conditions of this chapter or any other laws or ordinances applicable to the operation of a hoofed and/or small animal service.

304.80. Other ordinances not affected; exceptions. All of the provisions of Title 4 of this Code, relating to animals and fowl, shall remain in effect, so far as they are applicable to the keeping of hoofed and small animals within the City of Minneapolis. An operator properly licensed under this chapter shall not be required to obtain permits under sections 70.10 or 74.60.

Adopted 5/13/05.

Absent - Lilligren.

Ordinance 2005-Or-043 amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, adding thereto a license fee of \$150 for Hoofed and/or Small Animal Service, was adopted 5/13/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-043

By Niziolek

Intro & 1st Reading: 4/29/05

Ref to: PS&RS

2nd Reading: 5/13/05

Amending Appendix J of the Minneapolis Code of Ordinances relating to the License Fees Schedule.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Appendix J of the above-entitled ordinance be amended by adding thereto the following entry in alphabetical sequence to read as follows:

License	Ordinance	2003 Fee	2004 Fee	2005 Fee
HEATING, VENTILATION AND AIR CONDITIONING INSTALLERS	278.240		\$227.00	\$234.00
<u>HOOFED AND/OR SMALL ANIMAL SERVICE</u>	<u>304.30</u>			<u>\$150.00</u>
HORSE & CARRIAGE	303.30		\$156.00	\$161.00

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of F Jiriyis Enterprises LLC, dba Sinbad Deli & Market, 2528 Nicollet Av, for a Sidewalk Cafe License to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of Fourth Street Saloon Inc, dba 4th Street Saloon, 328 W Broadway, for an On-Sale Liquor Class B with Sunday Sales License (new manager and regular expansion of premises to allow an outdoor seating area in the parking lot north of the building) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said

license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of Shaws Bar & Grill Inc, dba Shaws Bar & Grill, 1528 University Av NE, for an On-Sale Liquor Class B with Sunday Sales License (regular expansion of premises to allow an outdoor seating area adjacent to the business) to expire January 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of Poodle Inc, dba Poodle, 3001 E Lake St, for an On-Sale Liquor Class B with Sunday Sales License (sidewalk cafe expansion) to expire October 1, 2005, and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of New Molly Quinn's Inc, dba Molly Quinn's, 3300 E Lake St, for an On-Sale Wine Class C-1 with Strong Beer License (regular expansion of premises to allow outdoor seating area in patio area and on boulevard facing Lake St) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to completion of the background investigation by the Police Licenses Division and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of Dustys Inc, dba Dustys, 1319 Marshall St NE, for an On-Sale Liquor Class E with Sunday Sales License (regular expansion of premises to allow outdoor seating area on private alley adjacent to business) to expire October 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to completion of the background investigation by the Police Licenses Division and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of Reyes & Reyes LLC, dba Carne Asada Fresh Mex Grill, 809 E Lake St, for an On-Sale Wine Class E with Strong Beer License (regular expansion of premises to allow outdoor seating area on private sidewalk adjacent to parking lot behind business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to completion of the background investigation by the Police Licenses Division and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of Minneapolis Aerie #34 F O E, dba Minneapolis Aerie #34, 2507 E 25th St, for an On-Sale Liquor Class B with Sunday Sales

License (regular expansion of premises to allow an outdoor seating area on the grassy boulevard next to the building) to expire October 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to completion of the background investigation by the Police Licenses Division and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of Pizza Joints Inc, dba Galactic Pizza, 2917 Lyndale Av S, for an On-Sale Wine Class E with Strong Beer License (sidewalk cafe expansion) to expire April 1, 2006, and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to completion of the background investigation by the Police Licenses Division and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of IC of Downtown Inc, dba Tonic of Downtown, 323 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License (change in ownership from South Beach LLC) to expire April 1, 2006, now recommends that said license be granted, subject to completion of the background investigation by the Police Licenses Division and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of 3 Muses Inc, dba Emma's, 2817 Lyndale Av S, for an On-Sale Liquor Class C-2 with Sunday Sales License (new shareholder and change of dba from 3 Muses) to expire January 1, 2006, now recommends that said license be granted, subject to completion of the background investigation by the Police Licenses Division and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

Approved by Mayor Rybak 5/16/05.

(Published 5/17/05)

PS&RS - Your Committee, having under consideration the application of Naughty Dog Enterprises Inc, dba Cuppa Java, 400 Penn Av S, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2006, now recommends that said license be granted, subject to the public hearing being held on May 9th in the neighborhood, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of Somsap Enterprises, dba Tum Rup Thai, 1221 W Lake St, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2006, now recommends that said license be sent forward without recommendation.

Niziolek moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the application of Somsap Enterprises, dba Tum Rup Thai, 1221 W Lake St, for an On-Sale Liquor Class E with Sunday Sales License (new

business) to expire April 1, 2006, now recommends that said license be granted, subject to the following conditions:

- a. all managers will be required to be approved through the licensing guidelines as set forth in Section 362.120 of the Minneapolis Code of Ordinances. Any change in managers will be required to be reported to the Licenses & Consumer Services Division within 10 business days.
 - b. there will be no staff smoking allowed directly outside of the business or in the parking lot.
 - c. if any operational change takes place, the business plan on file will need to be amended and the change approved by the City of Minneapolis prior to any change taking place.
 - d. the licensee agrees to strictly comply with all City of Minneapolis, State of Minnesota, and Federal laws.
 - e. food service will be available during all hours of operation.
 - f. outside seating will cease at 8:30 p.m. and close at 9:00 p.m. Monday through Thursday and seating will cease at 9:30 p.m. and close at 10:00 p.m. on Friday and Saturday. For outside seating, customers will be encouraged to sit on the Lake Street side of the business.
 - g. Hours of operation for the establishment will be Sunday through Thursday from 11:00 a.m. to 11:00 p.m. On Friday and Saturday, the establishment will open at 11:00 a.m. and close at Midnight.
 - h. final inspection and compliance with all provisions of applicable codes and ordinances.
- The report, as substituted, was adopted 5/13/05.
Absent - Lilligren.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.
Adopted 5/13/05.
Absent - Lilligren.

Resolution 2005R-274, granting applications for Liquor, Wine and Beer Licenses, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-274
By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class A with Sunday Sales, to expire May 7, 2005

Food & Drink Inc, dba Barfly, 711 Hennepin Av (temporary expansion of premises, May 7, 2005, 9:00 p.m. to 2:00 a.m.);

On-Sale Liquor Class A with Sunday Sales, to expire May 12, 2005

Food & Drink Inc, dba Barfly, 711 Hennepin Av (temporary expansion of premises, May 12, 2005, 9:00 p.m. to 2:00 a.m.);

On-Sale Liquor Class B with Sunday Sales, to expire April 30, 2005

Campus Partners Inc, dba Sallys Saloon & Eatery, 714 Washington Av SE (temporary expansion of premises with outdoor entertainment, April 30, 2005, 3:00 p.m. to 10:00 p.m.);

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2006

Dario Vega Inc, dba Fridas, 107 E 26th St (new business);

On-Sale Liquor Class C-2 with Sunday Sales, to expire May 7, 2005

Stub & Herbs Inc, dba Stub & Herbs, 227 Oak St SE (temporary expansion of premises with outdoor entertainment, May 6, 2005, 6:00 p.m. to 10:00 p.m. and May 7, 2005, Noon to 10:00 p.m.);

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 30, 2005

Dashen Restaurant & Bar LLC, dba Dashen Restaurant, 2713 E Lake St (temporary expansion of premises, April 30, 2005, 9:00 a.m. to 2:00 a.m.);

Temporary On-Sale Liquor

Minnesota Medical Foundation, dba Minnesota Medical Foundation, 200 Oak St SE (May 13, 2005, 6:30 p.m. to 9:30 p.m.; May 14, 2005, 5:30 p.m. to Midnight; Licensed Facilitator: The Historic Depot, 225 3rd Ave S);

B & B Daniels Hall Museum, dba B & B Daniels Hall Museum, 664 22nd Av NE (April 28, 2005, 4:00 p.m. to 6:00 p.m.; Licensed Facilitator: 1029 Bar);

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2006

Global Dish Family Restaurant LLP, dba Global Dish Family Restaurant, 4016 Bloomington Ave S;

On-Sale Wine Class D with Strong Beer, to expire May 14, 2005

Columbia Grounds Inc, dba Columbia Grounds, 3301 Central Av NE (temporary expansion of premises with outdoor entertainment, May 14, 2005, 6:00 p.m. to 10:30 p.m.);

On-Sale Wine Class D with Strong Beer, to expire April 1, 2006

Los Mestizos Inc, dba El Meson, 3450 Lyndale Av S (regular expansion of premises);

Temporary On-Sale Wine

Msgr Coates Youth Organization, dba Msgr Coates Youth Organization, 3315 Washburn Av N (May 21, 2005, 7:00 p.m. to 11:30 p.m. at De LaSalle High School);

Off-Sale Beer, to expire April 1, 2006

First Como Market Inc, dba First Como Market Inc, 1523 Como Av SE;

NLX Huabtais Tswbtshoj Asian Foods LLC, dba NLX Huabtais Tswbtshoj Asian Foods, 2122 W Broadway;

Penwood Market Inc, dba Penwood Market, 2125 Glenwood Av.

Adopted 5/13/05.

Absent - Lilligen.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 5/13/05.

Absent - Lilligen.

Resolution 2005R-275, granting applications for Business Licenses, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-275

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of May 13, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270295):

Asphalt Shingles & Roofing Manufacturer; Bill Posting, Sign Painting & Hanger; Bowling Alley; Bowling, Pool & Billiard All Night Special; Dry Cleaner - Non-flammable; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Fire Extinguisher Servicing Class A; All Night Special Food; Caterers; Confectionery; Food Distributor; Food Market Distributor; Farm Produce Permit Nonprofit; Grocery; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile Food Vendor;

Drive In Food; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Wholesale Sausage Manufacturer & Distributor; Gasfitter Class A; Going Out of Business; Heating, Air Conditioning & Ventilating Class A; Hotel/Motel; Motor Vehicle Dealer Broker; Motor Vehicle Dealer - Cycles & Motorbikes; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Plumber; Public Market; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class B.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee recommends granting the following application for a gambling license, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Lawful Exempt

Goldbricks Club Inc, dba Goldbricks Club, 1828 4th St NE (Raffle June 12, 2005 at Minneapolis Police Federation Hall, 1811 University Av NE).

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Conga Latin Bistro, 501 E Hennepin Av.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-276, approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Conga Latin Bistro, 501 E Hennepin Av, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-276

By Niziolek

Approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Conga Latin Bistro, 501 E Hennepin Av.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on March 30, 2005 with the licensee to discuss alleged violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee having violated the Minneapolis Code of Ordinances by failing to properly maintain occupancy levels; not ensuring that proper identification was checked by staff; not ensuring that minors were removed from the premises prior to curfew hours; by security staff being non-compliant with police requests during an official investigation and requests concerning the operation of the business; and by the manager being non-compliant with police requests during an official investigation and failure to answer questions concerning the operation of the business;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee agrees that all staff hired for security will have been trained in security measures, policies and procedures by an approved trainer by the City of Minneapolis or by an accredited security

firm specializing in the training of security staff, and that all new employees will be trained within 60 days of their hire. If more than 60 days are needed, approval must be obtained by Licenses & Consumer Services in writing prior to the 60th day of hire.

b. the licensee agrees that all bartenders will be trained by a City of Minneapolis approved trainer(s) in the service of alcoholic beverages and that all bartenders are trained properly to ensure that over-service to intoxicated and underage patrons does not occur. All new employees will be trained within 60 days of their hire. If more than 60 days are needed, approval must be obtained by Licenses & Consumer Services in writing prior to the 60th day of hire.

c. the licensee agrees that anyone acting in the capacity as the local manager be trained in all corporate business policies, procedures and practices.

d. the licensee agrees that employees will be instructed to refuse alcohol service to any person who appears to be obviously impaired, and written policies to this effect will be posted. Management will monitor the service areas at all times to ensure compliance. Management will support employees who make a determination under this policy to refuse alcohol beverage service.

e. the licensee agrees that Conga shall not exceed the total occupancy capacity that has been established by the Minneapolis Fire Department. A clear path shall be secured for egress for those patrons exiting the first floor and basement levels through the rear door adjacent to the alley to the public way on 5th Street. The "Alley" at the point of exit from this door shall be designated as a "Fire Lane" as prescribed through the authority of Minneapolis Code of Ordinances. All signage shall comply with Minneapolis Fire policy #26 and all other Codes that apply. It is the responsibility of the owners of Conga to pay for all improvements necessary to secure the designation of this area as a "Fire Lane". It is the understanding of the City that there is a shared easement with the owners (Lazaros Christoforides) of the property located at #13 NE 5th St, Minneapolis. It is the sole responsibility of the owners of Conga to secure whatever documents are necessary to gain legal authority to secure the "Fire Lane" with that owner. In the event that Conga fails to enact the "Fire Lane" in the alley to the public way, the Minneapolis Fire Department shall retain the right to reduce the occupancy level of Conga until such "Fire Lane" is established. Failure to comply with this order shall result in further action. Conga management will have 30 days from the approval of the TAC Agreement to complete the above actions. If the management does not complete the above stated actions, the occupancy level of the downstairs area of Conga will be reduced from 117 to 10 and will remain so until the actions are completed.

f. the licensee agrees to fax a monthly calendar of club events to the Second Precinct by the 15th day of the preceding month. Any changes or additional information regarding any special events will be communicated to the sector lieutenant via voice mail.

g. the licensee agrees that Conga management shall schedule and maintain adequate uniformed and/or plain clothes security personnel to ensure the safe and lawful operation of all licensed activities. Plain clothes security will be dedicated to that function exclusively and will be attired in such a manner as to be readily identifiable by the public and police. Conga will provide a written policy to its security staff specifying how and when any kind of force will be used and when arrests will be made. The security staff will work with the Second Precinct to make arrests when appropriate and to notify them of any problematic customers that they have. Conga management shall utilize security personnel to move through the establishment and advise individuals who are patrons and under the age of 21 to leave the establishment before 9:00 p.m. or otherwise state in the security policy how underage persons will be dealt with after 9:00 p.m. A copy of the security policy shall be provided to the Licenses & Consumer Services Division within 30 days of the effective date of the agreement.

h. Conga owners and management shall comply with all requirements for emergency planning and preparedness as prescribed in the International Fire Code, specifically Chapter 4, and all other laws and ordinances pertaining to crowd control as specified by the City of Minneapolis. Conga management will schedule and maintain adequate uniformed and plain clothes security staff to ensure effective dispersal of all patrons beyond closing time until the premises area is vacant. At no time shall staff of Conga allow the pedestrian right of way on the sidewalks to become obstructed. Those security personnel hired by Conga shall maintain compliance with all applicable laws governing utilization of marked crosswalks. In the event that staff representing the City of Minneapolis requests assistance for crowd dispersing, Conga staff shall assist when requested.

i. that the On-Sale Liquor Class B with Sunday Sales License held by Conga Latin Bistro be suspended for five-days, with four days being stayed, provided there are no same or similar violations with a one-year period from the effective date of the TAC Agreement. The one day suspension shall be served on a Saturday and within 30 days of approval of the TAC Agreement by the City Council.

j. the licensee shall pay an administrative fine in the amount of \$5,000, with \$2,000 to be stayed provided there are no same or similar violations within one year from the effective date of the TAC Agreement.

k. that the TAC Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation for subsequent violations of the TAC Agreement, or of any federal, state or local laws, ordinances or regulations. Should Conga comply with the TAC Agreement, no further criminal or civil action will be pursued by the City of Minneapolis regarding aforementioned issues stated in the TAC Agreement. It is the intention of all parties to the TAC Agreement that any further issues dealing with the operation of the licensee be first dealt with in an informal, cooperative manner prior to further adverse license action.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class C-2 with Strong Beer License held by Global Dish Family Restaurant, 4016 Bloomington Av S.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-277, approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class C-2 with Strong Beer License held by Global Dish Family Restaurant, 4016 Bloomington Av S, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-277

By Niziolek

Approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class C-2 with Strong Beer License held by Global Dish Family Restaurant, 4016 Bloomington Av S.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on April 15, 2005 with the licensee to discuss alleged violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee violating the Minneapolis Code of Ordinances by failing to maintain continuous coverage of liquor liability insurance; failing to remain closed after being placarded as an unlicensed business due to lack of current liquor liability insurance; failing to pay all license fees in a timely manner; and for violating the level of entertainment by allowing too many musicians playing on stage;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- a. liquor liability insurance must remain in continuous coverage or the business will close.
- b. dates of coverage for liquor liability insurance will run from April 1st through April 1st of each year.
- c. No more than three musicians are allowed to play with a Class C-2 entertainment license.

d. both partners must communicate with each other on notices and requirements of the business.
e. the licensee shall pay a civil penalty in the amount of \$1,000 for not carrying continuous liquor liability insurance and for the business remaining open once notified they must remain closed. An additional \$400 must be paid to recover the cost of staff time, all to be paid in monthly installments until the total balance is paid, beginning May 1, 2005.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS - Your Committee, having under consideration the property located at 413 24th Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Block 8, W 57 Ft of E 117 Ft of Lot 1 and W 57 Ft of E 117 Ft of N 28 Ft of Lot 2, Cobbs Addition to North Minneapolis (PID #15-029-24-22-0021), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 5/13/05.

Absent - Lilligren.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals for Structural Collapse Rescue Training Programs for the Fire Department, subject to review and approval by the Permanent Review Committee.

Adopted 5/13/05.

Absent - Lilligren.

Approved by Mayor Rybak 5/16/05.

(Published 5/17/05)

PS&RS & W&M/Budget - Your Committee, having under consideration the 2004 Assistance to Firefighters Grant, now recommends that the proper City Officers be authorized to accept a grant award of \$724,500 from the United States Department of Homeland Security and the Office for Domestic Preparedness to fund the purchase and installation of vehicle exhaust extraction systems and make-up air systems where needed in the fire stations. The Fire Department shall provide matching funds, in the amount of \$310,500, payable from its 2004 reappropriation funds. Further, passage of the accompanying Resolution appropriating \$724,500 to the Fire Department.

Adopted 5/13/05.

Absent - Lilligren.

RESOLUTION 2005R-278

By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2820) by \$724,500 and increasing the Revenue Source (030-280-2820 - Source 3210) by \$724,500.

Adopted 5/13/05.

Absent - Lilligren.

PS&RS & W&M/Budget - Your Committee, to whom was referred on April 1, 2005 a direction that the Police Department report on its proposed use of \$400,000 in 2004 reappropriated funds, now recommends approval of the Police Department's recommendation to use the funds for general overtime/buyback, primarily for patrol and investigative needs, focusing on the Downtown Safe Zone, STOP enforcement activities, supplementing patrols in areas of immediate need (hot spots), special events requiring additional police presence, mounted patrol and targeting specific crime patterns Citywide.

Adopted 5/13/05.

Absent - Lilligren.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee recommends passage of the accompanying Resolution designating the location, streets, and improvements proposed to be made in the Kingfield Neighborhood Street Lighting Project, Special Improvement of Existing Street No. 2258 (Nicollet Avenue from 36th to 40th Streets).

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-279, designating the Kingfield Neighborhood Street Lighting Project (Nicollet Av from 36th St to 40th St), was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-279

By Colvin Roy

**Kingfield Neighborhood Street Lighting Project
Nicollet Avenue from 36th to 40th Streets
Special Improvement of Existing Street No 2258**

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8, of the Minneapolis City Charter, by installing ornamental streetlights together with all necessary appurtenances and work related thereto:

Nicollet Avenue from approximately the south ROW line of 36th Street to the north ROW line of 40th Street.

Adopted 5/13/05.

Absent - Lilligren.

T&PW - Your Committee, having received a cost estimate of \$288,000 for street lighting improvements and the list of benefited properties for the Kingfield Neighborhood Street Lighting Project, Special Improvement of Existing Street No. 2258, as designated by Resolution 2005R-279 passed May 13, 2005, now recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$64,000 against the list of benefited properties by applying the street influence zone area method.

Your Committee further recommends that a public hearing be held by the Transportation and Public Works Committee on July 12, 2005, to consider approving the construction of the above-designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 5/13/05.

Absent - Lilligren.

T&PW - Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented to your Committee the details required by said Chapter 431 in connection with proposed Street Lighting District No. 1318 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated as the Kingfield Neighborhood (streets to receive lighting are as designated in the Kingfield Neighborhood Street Lighting Project, Special Improvement of Existing Street No. 2258).

A summary of the facts relative to this assessment is as follows:

Number of assessable parcels in said district	86
Total assessable frontage in feet	4580
Annual cost per foot	\$0.49

Your Committee recommends that if there should be an increase in the cost of street lighting in the future that the increased cost be reflected in the assessment.

Your Committee further recommends that a public hearing be held by the Transportation and Public Works Committee on July 12, 2005, to consider the establishment of said proposed Street Lighting District No. 1318.

Adopted 5/13/05.

Absent - Lilligren.

T&PW - Your Committee, having under consideration the appeal of Tracy Singleton (3311 E 25th St), and her architects, Close Associates, of the decision of the Public Works Engineering Design Division to deny an encroachment permit for the purpose of constructing an entry vestibule which would encroach approximately 8 feet into the southerly right-of-way of 25th Street East, now recommends that said appeal be sent forward without recommendation.

Colvin Roy moved that the report be amended by deleting the language "that said appeal be sent forward without recommendation" and inserting in lieu thereof "that the appeal be granted, subject to the conditions recommended by staff and set forth in Petn No. 270399, on file in the office of the City Clerk." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 5/13/05.

Absent - Lilligren.

T&PW - Your Committee, having under consideration the appeal of Crowe Construction on behalf of Mike Mulligan (2037 Riverside Av), of the decision of the Public Works Engineering Design Division to deny an encroachment permit for the purpose allowing an out-swinging door onto the southwesterly right-of-way of Riverside Avenue, now recommends upholding the decision of the City Engineer and denial of the applicant's appeal. (Petr. No. 270399)

Adopted 5/13/05.

Absent - Lilligren.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Bryn Mawr Street Renovation Project and the Ewing Avenue Reconstruction Project, now recommends passage of the accompanying Resolutions:

a) Ordering the City Engineer to proceed and do the work and adopting the special assessments in the amount of \$658,461.83, for the Bryn Mawr Street Renovation Project;

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$658,450 for the Bryn Mawr Street Renovation Project;

c) Ordering the City Engineer to proceed and do the work and adopting the special assessments in the amount of \$105,571.35, for the Ewing Avenue Reconstruction Project; and

d) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$105,570 for the Ewing Avenue Reconstruction Project.

Adopted 5/13/05.

Absent - Lilligren.

Resolutions 2005R-280 and 2005R-281, ordering the work to proceed and adopting the special assessments and requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the Bryn Mawr Street Renovation Project, Special Improvement of Existing Street No. 2989, were adopted 5/13/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-280
By Colvin Roy and Johnson

Bryn Mawr Street Renovation Project
Special Improvement of Existing Street No. 2989

Ordering the work to proceed and adopting the special assessments for the Bryn Mawr Street Renovation Project.

Whereas, a public hearing was held on May 3, 2005, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2005R-160, passed April 1, 2005 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-160, passed April 1, 2005.

Be It Further Resolved that the proposed special assessments in the total amount of \$658,461.83 for the Bryn Mawr Street Renovation Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Bryn Mawr Street Renovation Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at ten (10) and that the interest charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2006 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2006 real estate tax statements.

Adopted 5/13/05.

Absent - Lilligren.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-281
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$658,450 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Bryn Mawr Street Renovation Project, Special Improvement of Existing Street No. 2989, to be assessed against benefited properties, as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 5/13/05.

Absent - Lilligren.

Resolutions 2005R-282 and 2005R-283, ordering the work to proceed and adopting the special assessments and requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the Ewing Avenue Reconstruction Project, Special Improvement of Existing Street No. 2909, were adopted 5/13/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-282
By Colvin Roy and Johnson

Ewing Avenue Reconstruction Project
Special Improvement of Existing Street No 2909

Ordering the work to proceed and adopting the special assessments for the Ewing Avenue Reconstruction Project.

Whereas, a public hearing was held on May 3, 2005, in accordance with Chapter 10, Section 6, of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2005R-160, passed April 1, 2005 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-160, passed April 1, 2005.

Be It Further Resolved that the proposed special assessments in the total amount of \$105,571.35 for the Ewing Avenue Reconstruction Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Ewing Avenue Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2006 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2006 real estate tax statements.

Adopted 5/13/05.

Absent - Lilligren.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-283
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$105,570 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Ewing Avenue Reconstruction Project, Special Improvement of Existing Street No 2909, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 5/13/05.

Absent - Lilligren.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute the required contract(s), as needed, with government jurisdictions and watershed management organizations (such as the Minnehaha Creek Watershed District, Shingle Creek Watershed Management Organization, Mississippi Watershed Management Organization, Bassett Creek Water Management Commission, Minneapolis Public Library, Minneapolis Public Schools, Municipal Building Commission, Hennepin County, State of Minnesota, Minneapolis Park and Recreation Board, and the City of St. Paul) to provide for "Work for Other" budgeted revenues, up to \$50,000 per project, for various sewer and storm drain related activities.

Adopted 5/13/05.

Absent - Lilligren.

T&PW & W&M/Budget - Your Committee, having under consideration the Hennepin Theatre District Streetscape, Project No. 2221, now recommends passage of the accompanying Resolution authorizing the proper City officers to execute Change Order No. 2 in the amount of \$116,776.34 to City Contract No. C-19301 with Thomas and Sons, Inc., for a revised contract total of \$3,042,226.41, to provide for additional work and for the purchase of materials to create a small inventory for future maintenance of the streetscape. No additional appropriation required.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-284, directing the City Engineer and the Director of Purchasing to increase Contract No. C-19301 to provide for additional work for the Hennepin Theater District Streetscape Project, Special Improvement of Existing Street No. 2221, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-284
By Colvin Roy and Johnson

Hennepin Theater District Streetscape Project
Special Improvement of Existing Street No 2221

Directing the City Engineer and the Director of Purchasing to increase Contract No. C-19301.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled contract be amended by increasing the revised contract amount of \$2,925,450.07 by \$116,776.34, as provided for in Resolution 2001R-507, Adopting 2002–2006 Five Year Capital Program for 937 PUBLIC WORKS PAVING CONSTRUCTION 9372 PAVING CONSTRUCTION T15 Hennepin Avenue Streetscape Improvements Initiative for \$3,715,000 for Assessment Bonds, to a new contract amount of \$3,042,226.41.

Adopted 5/13/05.

Absent - Lilligren.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving a bid submitted to the Public Works Department, in accordance with City specifications (Petr. No. 270400).

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-285, granting approval of the bid of Killmer Electric Company, Inc. for relamping services for pedestrian light fixtures, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-285
By Colvin Roy and Johnson

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 270400)

OP #6423, Accept low bid of Killmer Electric Company, Inc., for an estimated annual expenditure of \$45,000, to furnish and deliver relamping services for pedestrian light fixtures.

Adopted 5/13/05.

Absent - Lilligren.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-286, authorizing settlement of the legal claims of Mumina Abdi Noor, and Larry Wells, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-286
By Johnson

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following:

a) Mumina Abdi Noor, by payment of \$5,000 to Ms. Mumina Abdi Noor; and her attorney, Michael Fay; and

b) Larry Wells, by payment of \$45,874.75 to Mr. Larry Wells; and his attorney, Larry Reed; and

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 5/13/05.

Absent - Lilligen.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the Unisys Contract (C-18881) to accommodate the implementation and managed services for the Bandwidth Upgrade project for the City in the amount of \$150,000. The cost of the services will be paid through the Business Information Services (BIS) Capital fund for the implementation in 2005 and (BIS) Operating fund for the ongoing managed services through 2009.

Adopted 5/13/05.

Absent - Lilligen.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the Unisys Contract (C-18881) to accommodate the implementation and managed services for the Human Resource Information System (HRIS) 8.9 upgrade project in the amount of \$406,962.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation for the Business Information Services Agency by \$406,962 for the cost of said project, to be funded through the Human Resource Budget.

Adopted 5/13/05.

Absent - Lilligen.

RESOLUTION 2005R-287
By Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Information & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870) by \$406,962 and by increasing the revenue source (6400-880-8870 - Source 3455) by \$406,962.

Adopted 5/13/05.

Absent - Lilligen.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the Unisys Contract (C-18881) in the amount of \$690,028 to provide the managed services required for

implementation of the Lagan/Unisys Citizen Relationship Management, "311" application software. This contract will be coterminous with the original contract for 54-months through December 31, 2009. The cost of the services will be paid through Business Information Services (BIS) Operating fund.

Adopted 5/13/05.

Absent - Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving two construction change orders for the New Central Library Project.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-288, approving construction change orders for the New Central Library Project, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-288
By Johnson

Approving Change Order for the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

a) Change Order #3 increasing Contract #C-19758 with Graham Penn-Co Construction, Inc. by \$115,675 to cover 2 change orders, for a new contract total of \$14,138,368.

Adopted 5/13/05.

Absent - Lilligren.

W&M/Budget - Your Committee recommends approval of a "Stop on Red" utility bill insert in the June 2005 billing on behalf of the Minneapolis Police Department launching the use of camera technology targeting red-light runners.

Adopted 5/13/05.

Absent - Lilligren.

W&M/Budget - Your Committee recommends acceptance of a \$200 anonymous donation to the Police, Fire and Public Works Department to offset continuing Local Government Aid reduction.

Adopted 5/13/05.

Absent - Lilligren.

W&M/Budget - Your Committee recommends approval be given to the Department of Regulatory Services to apply for up to \$300,000 in funding from the Environmental Protection Agency (EPA) under the Community Action for a Renewed Environment (CARE) grant program.

Adopted 5/13/05.

Absent - Lilligren.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, to whom was referred an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances, adding a new Chapter 579 providing for a moratorium on new construction and expansion of all development projects and uses not permitted as of right in the Loring Hill area (generally bounded by I-94 on the south, LaSalle Ave on the east, Hennepin/Lyndale Aves

on the west and 15th St on the north), and establishing a waiver process, now recommends that said ordinance be given its second reading for amendment and adoption.

Adopted 5/13/05.

Absent - Lilligren.

Ordinance 2005-Or-044 amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances, adding a new Chapter 579 providing for a moratorium on new construction and expansion of all development projects and uses not permitted as of right in the Loring Hill area (generally bounded by I-94 on the south, LaSalle Ave on the east, Hennepin/Lyndale Aves on the west and 15th St on the north), and establishing a waiver process, was adopted 5/13/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-044
By Goodman, Schiff
Intro & 1st Reading: 4/1/05
Ref to: Z&P
2nd Reading: 5/13/05

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 579 relating to Interim Ordinances: Providing for a moratorium on new construction or expansion of projects in the Loring Hill area.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 579 to read as follows:

Chapter 579. PROVIDING FOR A MORATORIUM ON NEW CONSTRUCTION OR EXPANSION OF PROJECTS IN THE LORING HILL AREA.

579.10. Authority. Pursuant to Minnesota Statutes Section 462.355, Subd. 4, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to the aforementioned statute and city ordinance.

579.20. Findings and Purpose. The city council is concerned about the scale, scope, and rapid pace of development projects in the Loring Hill area and has enacted an interim ordinance in order to allow for the completion of a study to inform future development in the Loring Hill area. The study, along with appropriate revisions to the city's official controls can ensure that activity in the area will not undermine the future orderly development of the area.

The city finds that this interim ordinance should be adopted to protect this planning process and the health, safety and welfare of the citizens.

579.30. Zoning Study. The Loring Hill area, bounded by Interstate 94 on the south, LaSalle Avenue on the east, Hennepin and Lyndale Avenues on the west, and 15th Street on the north, as shown on the attached map, is hereby declared to be an interim zoning study area with respect to new construction and expansion of all development projects and uses not permitted as of right. The planning division of the Community Planning and Economic Development Department (CPED) is hereby directed to authorize and oversee the development of a study, in cooperation with the neighborhood organization, to inform the future development of the Loring Hill area and to propose such amendments to the City's

comprehensive plan, official zoning controls, and other regulatory devices that the planning division deems advisable.

579.40. Restrictions. For a period of one (1) year from the date of introduction of this ordinance on April 1, 2005, no zoning approval, building permits, construction permits, demolition permits, licenses, or administrative waivers for new or expanded building construction not permitted as of right shall be allowed or granted by any city department. These restrictions shall not apply to the issuance of permits for building construction permitted as of right by the zoning code, to development that has received approval of all required land use applications by the city council, city planning commission, and/or board of adjustment prior to the effective date of this interim ordinance, or to remodeling or renovation of existing buildings that does not involve an expansion to the exterior dimensions of the building. For the purpose of this interim ordinance, "permitted as of right" shall mean construction that is not subject to one or more land use applications requiring a public hearing under the zoning code.

579.50. Hardship. In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions as provided in Chapter 529 of the zoning code. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Adopted 5/13/05.

Absent - Lilligren.

Z&P - Your Committee, having under consideration the application of Charles Schatz, with DJR Architecture, Inc, for a waiver from the Interim Ordinance providing for a moratorium on new construction and expansion of all development projects and uses not permitted as of right in the Loring Hill area, to permit application for construction of a 125 square foot glass atrium enclosure for the Dunn Bros Coffee shop at 329 W 15th St, now recommends that said waiver be granted, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 5/13/05.

Absent - Lilligren.

Z&P - Your Committee, having under consideration the appeal filed by Robert Thomas, with Cedar Lake Revival, LLC, from the decision of the Planning Commission denying an application for a conditional use permit for a shopping center at 1825 E Lake St and 3005-3011 Cedar Ave S, now recommends that said appeal be denied and the Planning Commission decision be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 5/13/05.

Absent - Lilligren.

Z&P - Your Committee, having under consideration the appeal filed by Leo Whitebird from the decision of the Planning Commission which granted the applications of The Cornerstone Group for a conditional use permit for 123 dwelling units, a variance to reduce the south interior side yard setback from 11 feet to 8 inches for the building, and site plan review for the Machinery Lofts development at 2848 Pleasant Ave S and 2821 and 2825 Grand Ave S, now recommends that said appeal be granted and the applications be denied, notwithstanding the decision of the Planning Commission.

Adopted 5/13/05.

Absent - Lilligren.

Schiff moved that the City Attorney's Office be directed to draft Findings to support the recommendation of denial for The Cornerstone Group applications for conditional use permit for 123 dwelling units, a variance to reduce the south interior side yard setback from 11 feet to 8 inches for the

building, and site plan review for the Machinery Lofts development at 2848 Pleasant Ave S and 2821 and 2825 Grand Ave S, for adoption at the next meeting of the City Council. Seconded.

Adopted 5/13/05.

Absent - Lilligren.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, to allow antiques and collectibles stores as a permitted use in the C1 District, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that said ordinance be given its second reading for amendment and adoption.

Adopted 5/13/05.

Absent - Lilligren.

Ordinance 2005-Or-045 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, amending Table 548-1 to allow antiques and collectibles stores as a permitted use in the C1 District, was adopted 5/13/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-045
By Zerby and Schiff
Intro & 1st Reading: 1/28/05
Ref to: Z&P
2nd Reading: 5/13/05

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 548-1 of the above-entitled ordinance be amended to read as follows:

Table 548-1 Principal Uses in the Commercial Districts

<i>Use</i>	<i>C1</i>	<i>C2</i>	<i>C3A</i>	<i>C3S</i>	<i>C4</i>	<i>Specific Development Standards</i>
COMMERCIAL USES						
Retail Sales and Services						
General retail sales and services	P	P	P	P	P	
Antiques and collectibles store	C P	P	P	P	P	
Art gallery	P	P	P	P	P	

Adopted 5/13/05.

Absent - Lilligren.

Z&P – Your Committee recommends approval of the reappointment of Michele Dunn, 3600 Xerxes Ave N, Minneapolis 55412, to the Heritage Preservation Commission for a three year term, to expire December 31, 2007.

Adopted 5/13/05.

Absent - Lilligren.

Z&P – Your Committee, to whom was referred back from Council (4/15/05) a report with no recommendation relating to the appeal filed by Bob Sorrell, for Wendy's International, from the decision of the Planning Commission a) denying an application for conditional use permit to allow a fast food restaurant at 325 and 329 E Franklin Ave and 2015 Clinton Ave S; and b) approving the site plan review application with the conditions that there shall be no ladder attached to the building that provides access to the roof and that additional windows (equal to 30 percent) shall be added to the east and west sides of the building, and having held further discussion thereon, now recommends that said appeal be forwarded without recommendation.

Zimmermann moved to amend the report by deleting the language, "forwarded without recommendation" and inserting in lieu thereof, "denied, and that the Findings relating to the conditional use permit set forth in Petn No 270410 be adopted." Seconded.

Schiff moved a substitute motion to amend the report by deleting the language, "forwarded without recommendation" and inserting in lieu thereof, "granted, and the conditional use permit and site plan review be approved, and that the related findings prepared by the Department of Community Planning & Economic Development staff be adopted." Seconded.

Adopted upon a voice vote.

Zimmermann recorded as voting "nay."

Absent - Lilligren.

The report, as amended, was adopted 5/13/05.

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Schiff, Zerby, Johnson Lee, Ostrow.

Nays - Zimmermann.

Absent - Lilligren.

Z&P - Your Committee, having under consideration the petition received by the Minnesota Environmental Quality Board requesting that an Environmental Assessment Worksheet be prepared for the Ackerberg Group's mixed-use development at 1320 Lagoon Ave, and having received the recommendation of Community Planning and Economic Development (CPED) staff finding that the petitioners fail to demonstrate the project may have potential for significant environmental effects, now recommends that the Council not order the development of an EAW, and that the related findings prepared by CPED staff be adopted.

Adopted 5/13/05. Yeas, 11; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Johnson Lee.

Absent - Lilligren.

MOTIONS

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of June 2005 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 5/13/05.

Absent - Lilligren.

Ostrow introduced the subject matter of an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, which was given its first reading and referred to the Ways & Means/Budget Committee (amending Section 20.455 entitled *Severance Pay for Appointed Employees*).

RESOLUTIONS

Resolution 2005R-289, congratulating the Seward Montessori School State Champion Chess team, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-289

By Zerby, Schiff, Ostrow, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Niziolek, Benson, Colvin Roy, and Lane

Congratulating the Seward Montessori School State Champion Chess team.

Whereas, Seward Montessori School helps students draw upon their varied gifts and talents in order to become self-motivated and self-reliant; and

Whereas, Seward coaches Bill Garner and Jack Mangan have built the Seward Chess team into a State power; and

Whereas, Seward Montessori School last month won the State chess championship; and

Whereas, the Seward chess team demonstrated the grit and determination to persevere in a tough match; and

Whereas, Seward Montessori School became the first Minneapolis elementary school to win a State chess championship; and

Whereas, Sixth Grader Will Lee of Seward took top honors out of 380 entrants;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis congratulates the Seward Montessori School, and its team members Henry Bergmann, Kurt Hellerstedt, Will Lee, Tavis Leighton, Forrest Bryan, Isaac Spector, Kiernan Skelly, Adam Moore, and Jack McMahon, for their excellent accomplishment in bringing home the State chess championship to Minneapolis for the first time.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-290, declaring the week of May 15, 2005 as National Police Week and declaring May 15, 2005 as Peace Officers' Memorial Day, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-290

By Ostrow, Zerby, Samuels, Johnson, Johnson-Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane

Declaring the week of May 15, 2005 as National Police Week and declaring May 15, 2005 as Peace Officers' Memorial Day.

Whereas, the Congress of the United States of America has designated the calendar week of each year during which May 15 occurs as "National Police Week" and May 15th of each year to be "Peace Officers' Memorial Day"; and

Whereas, it is known that every forty-nine hours an American Police Officer will be killed in the line of duty somewhere in the United States, and 170 officers will be seriously assaulted in the performance of their duties, our community joins with other cities and towns to honor all peace officers everywhere;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the week of May 15th to May 21st be declared Police Week and May 15th, 2005 as Police Officers' Memorial day and call upon our citizens in this community to especially honor and show our sincere appreciation for the police officers of this City by deed, remarks, and attitude.

Be It Further Resolved that the City Council asks citizens make every effort to express their thanks to the men and women who make it possible for us to leave our home and families in safety each day and to return to our homes knowing we are protected by men and women willing to sacrifice their lives, if necessary, to guard our loved ones, property, and government against all who would violate the law.

Adopted 5/13/05.

Absent - Lilligren.

Resolution 2005R-291, honoring the Black Forest Inn for their 40 years of contributions to Eat Street, the Whittier Neighborhood, and the City of Minneapolis, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-291

By Zimmermann

Honoring the Black Forest Inn for their 40 years of contributions to Eat Street, the Whittier Neighborhood, and the City of Minneapolis.

Whereas, the Black Forest Inn opened on May 15, 1965; and

Whereas, the Black Forest Inn was a pioneer in establishing the district of culinary delights that is Eat Street; and

Whereas, in the last 40 years, Black Forest Inn has prepared fine German foods using fresh ingredients, including bratwurst, spaetzel, breads, and pastries; and

Whereas, the Black Forest Inn serves a diverse clientele in a welcoming, efficient, lively and convivial setting; and

Whereas, the Black Forest Inn will be celebrating their 40th Anniversary with a "garage sale" of memorabilia, live music, food tastings, prizes, and introduction of a breakfast menu;

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

That we commend the Black Forest Inn for their contributions to our City and wish them success in their ongoing business.

Adopted 5/13/05.

Absent - Lilligren.

Johnson Lee and Zimmermann offered a Resolution opposing the use of public money for a baseball stadium, which was referred to the Intergovernmental Relations Committee.

Resolution 2005R-292, declaring the week of May 15, 2005 as National Public Works Week, was adopted 5/13/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-292

By Colvin Roy

Declaring the week of May 15, 2005 as National Public Works Week.

Whereas, the United States Senate resolved in 1960 to affirm the first National Public Works Week to be held the third full week in May; and

Whereas, National Public Works Week is a celebration of men and women in North America who provide and maintain the infrastructure and services collectively known as public works; and

Whereas, the Minneapolis City Council seeks to recognize its Public Works employees who serve every day with dedication, in the interest of the public good; and

Whereas, Public Works employees provide and maintain a safe transportation system with the City traffic signals, signage, lighting, streets, bridges, and sidewalks, and

Whereas, Public Works employees provide and maintain a high quality water supply and effective sanitary and stormwater sewer systems; and

Whereas, Public Works employees provide the cost effective and efficient removal of municipal solid waste, yard waste, and recyclables; and

Whereas, Public Works employees efficiently provide equipment and property and building services;

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

That the City Council acknowledges the significant daily contribution that the employees within the Public Works Department of the City of Minneapolis provide to the citizens and businesses throughout the City, during National Public Works Week.

Adopted 5/13/05.

Absent - Lilligren.

UNFINISHED BUSINESS

Chapter 249 Property at 3045 2nd Av S: Authorize acquisition of property by use of eminent domain, if necessary (Postponed 4/15/05).

By unanimous consent, the above report continued to be postponed.

Absent - Lilligren.

Chapter 249 Property at 3936 and 3938 4th Av S: Authorize demolition (Postponed 4/15/05).

By unanimous consent, the above report continued to be postponed.

Absent - Lilligren.

(Republished 5/28/2005)

Benson moved to adjourn. Seconded.

Adopted by unanimous consent.

Susanne Griffin,
Assistant City Clerk.

Unofficial Posting: 5/16/2005
Official Posting: 5/20/2005
Corrections: 7/18/2005; 2/23/2006